

pany, Samuel Streit & Co., August Baetzhold, Elias & Samuels, Olena & Craig, P. W. Engs & Sons, Lachman & Jacobi, J. Berliner, Nohn & Sons, Picker Brothers, E. Heller & Co., Max Stiner, E. L. Spellman & Co., H. Webster Company, Adolf Prince, S. Kraus & Bros., L. J. Callahan, Sonne Brothers Company, Ripin & Co., Francis Draz & Co., Battjar & Co., The Fleischman Company, H. Pepper & Bro., Dryfoos, Blum & Co., Charles Jackquin & Co., Luyties Brothers, Julius Wile Sons & Co., H. Hollander, A. G. Marshuetz & Co., Peter McQuade, Rittermann & Kraemer, Steinhardt Brothers & Co., B. K. Bloch, Fishel & Levy, Joseph Beck & Sons, Engel Hiller Company, Baird Daniels Company, E. Eising & Co., J. Leffler & Co., Kahn Brothers, Charles Froeb, E. C. Lamontague, Golden Gate Fruit Company, Heyman Brothers, James Olwelt & Co., Barrett Company, J. S. J. Eager & Co., G. F. Coshland & Co., Ripin & Co., Joseph Beck & Sons, Berlner Brothers, Baird Daniels, Hartman, Golsmith & Co., The Cook & Bernheimer Company, H. Popper & Bro., C. H. Arnold & Co., F. De Bary & Co., J. Kissell, L. Isenburger, Seigel-Cooper Company, Sample & Co., I. Goldberg, E. Heller, Batjer & Co., H. Webster & Co., G. Granata & Co., O. Taussing, Schmidt & Peters, L. Strauss, James Buchanan & Co., and Max Steiner & Co., all of New York, favoring the provision in the pure-food bill relating to rectifiers and blenders of whisky—to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI: Petition of Washington Camp No. 429, Patriot Order Sons of America, for the Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Civic Club of Allegheny County, Pa., against adjournment of Congress until the pure-food bill and Burton Niagara bill are laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Tippet & Wood, against the eight-hour bill—to the Committee on Rules.

Also, petition of Council No. 680, Brotherhood of Locomotive Firemen, for educational clause of immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SAMUEL W. SMITH: Petition of Thomas Darling et al., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of New Immigrants' Protective League, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Seabury & Johnson, for a certain amendment to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Federation of Labor, against the pilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of King & Booth, counselors at law, for an appropriation to appropriately mark the battlefield of Princeton—to the Committee on Military Affairs.

By Mr. SULLIVAN of New York: Petition of the Farmers' National Congress, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

## SENATE.

WEDNESDAY, June 27, 1906.

The Senate met at 11 o'clock a. m.

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

Mr. MALLORY. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Clark, Wyo.	Hansbrough	Proctor
Bacon	Crane	Hopkins	Rayner
Bailey	Cullom	Kean	Stimmons
Benson	Daniel	Kittredge	Smoot
Berry	Dillingham	Lodge	Spooner
Beveridge	Elkins	Long	Sutherland
Blackburn	Foraker	McLaurin	Taliaferro
Brandegee	Foster	Mallory	Warren
Bulkeley	Frazier	Martin	Whyte
Burrows	Fulton	Morgan	
Carmack	Gallinger	Perkins	
Carter	Hale	Piles	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

The VICE-PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John L. Smithmeyer and Paul J. Pelz v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, stating, in response to a resolution of the 25th instant, that a list of judgments rendered against the United States by the circuit and district courts of the United States under the act of March 3, 1887, has been transmitted to the Senate through the Secretary of the Treasury; which was referred to the Committee on Appropriations, and ordered to be printed.

### NATIONAL SOCIETY DAUGHTERS OF AMERICAN REVOLUTION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1905; which, with the accompanying papers, was ordered to lie on the table, and be printed.

### INTERSTATE LIVE-STOCK INSURANCE COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 20th instant, copies of the correspondence had with the district attorney relating to the Interstate Live-Stock Insurance Company of the District of Columbia, and stating the action taken thereon by the district attorney; which, on motion of Mr. CULBERSON, was, with the accompanying papers, ordered to lie on the table, and be printed.

### LIST OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowances of those heretofore reported to Congress at the present session, amounting to \$20,504.56; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### ALONZO H. ADAMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an additional estimate of appropriation for inclusion in the general deficiency appropriation bill under the title "Payment to certain deputy surveyors," for payment to Alonzo H. Adams, etc., \$445.17; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress, amounting to \$84,180.29; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### COURTS IN INDIAN TERRITORY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Attorney-General submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for salaries and expenses, United States courts, Indian Territory, \$4,800; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### DWIGHT F. WALKER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a copy of a judgment rendered against the United States for the circuit and district courts of the United States under the act of March 3, 1887, as submitted by the Attorney-General and which requires an appropriation for its payment "under the Navy Department," in the case of Dwight F. Walker v. United States, \$307.50; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting a supplemental estimate of a deficiency for inclusion in the general deficiency appropriation bill for salaries, offices of the District of Columbia, coroner's office, \$105; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## FOREIGN INTERCOURSE, ETC.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for consideration in connection with the general deficiency appropriation bill items of appropriations for salaries, charges d'affaires ad interim, transportation of silver coin, redemption of stamps, refunding taxes illegally collected, Indian school at Riverside, Cal., and salaries and expenses of district attorneys, United States courts, in all \$4,321.61; which was referred to the Committee on Appropriations, and ordered to be printed.

## THE COMMITTEE ON FOREIGN RELATIONS.

Mr. FORAKER. The Committee on Foreign Relations has under consideration some very important business, and the committee is anxious to sit during the sessions of the Senate. I wish to inquire whether the committee already has such authority. If not, the committee will ask for it.

The VICE-PRESIDENT. On December 12 permission was given to the committee to sit during the sessions of the Senate.

Mr. FORAKER. And that is still in force?

The VICE-PRESIDENT. It is still in force.

Mr. CULLOM. It was done at the beginning of the session.

Mr. LODGE. December 12.

Mr. CULLOM. And I understand that we have liberty now to sit during the sessions of the Senate?

The VICE-PRESIDENT. The Senator from Illinois is correct. It is a continuing order.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 3732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction;

S. 6300. An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin; and

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park."

The message also announced that the House had passed the bill (S. 6355) concerning licensed officers of vessels, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 17133) to amend section 558 of the Code of Law for the District of Columbia.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 12869. An act to revise and amend the United States statutes relating to the commitment of United States prisoners to reformatories of States;

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General;

H. R. 20287. An act to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.;

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River;

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.; and

H. J. Res. 179. Joint resolution providing for the improvement of a certain portion of the Mississippi River.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OTJEN, Mr. HAUGEN, and Mr. SIMS managers at the conference on the part of the House.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 609. An act granting an increase of pension to Horace H. Sickels;

H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;

H. R. 1143. An act granting an increase of pension to Ephriam D. Achey;

H. R. 1206. An act granting an increase of pension to Allen Crow;

H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;

H. R. 1294. An act granting an increase of pension to George W. Van De Bogert;

H. R. 1507. An act granting an increase of pension to Henry D. Jordan;

H. R. 1549. An act granting an increase of pension to Louis H. Gein;

H. R. 1689. An act granting an increase of pension to William A. Bailor;

H. R. 1836. An act granting an increase of pension to Hiram B. Thomas.

H. R. 2053. An act granting an increase of pension to Annie A. Townsend;

H. R. 2223. An act granting an increase of pension to John A. Blanton;

H. R. 2229. An act granting an increase of pension to Lytle McCracken;

H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;

H. R. 2714. An act granting an increase of pension to Charles H. Charles;

H. R. 2759. An act granting an increase of pension to Daniel Eaton;

H. R. 2772. An act granting an increase of pension to Eli Cero;

H. R. 2789. An act granting an increase of pension to Merrill Johnson;

H. R. 2867. An act granting an increase of pension to Leah Bedford;

H. R. 3222. An act granting an increase of pension to George Merrill;

H. R. 3238. An act granting an increase of pension to Samuel Hartley;

H. R. 3369. An act granting an increase of pension to Albert Sriver;

H. R. 3724. An act granting an increase of pension to Samuel Likens;

H. R. 4397. An act granting an increase of pension to John M. Byers;

H. R. 4647. An act granting an increase of pension to David C. Austin;

H. R. 4659. An act granting an increase of pension to John F. Morris;

H. R. 4885. An act granting an increase of pension to James Hennon;

H. R. 4887. An act granting an increase of pension to John F. Brown;

H. R. 4891. An act granting an increase of pension to George W. Swadley;

H. R. 4967. An act granting an increase of pension to Joshua Holcomb;

H. R. 5554. An act granting an increase of pension to James T. Sanderson, alias Sanderson;

H. R. 5567. An act granting an increase of pension to Sanford Weaver;

H. R. 5707. An act granting an increase of pension to John P. Veach;

H. R. 5834. An act granting an increase of pension to Ethan A. Willey;

H. R. 6181. An act granting an increase of pension to Fayette E. Ford;

H. R. 6190. An act granting an increase of pension to John J. Schneller;

H. R. 6201. An act granting an increase of pension to George W. Laking;  
 H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;  
 H. R. 6423. An act granting an increase of pension to Levi A. Canfield;  
 H. R. 6510. An act granting an increase of pension to Richard A. Roberts;  
 H. R. 6900. An act granting an increase of pension to John Rawling;  
 H. R. 6914. An act granting an increase of pension to John Hecker;  
 H. R. 6944. An act granting an increase of pension to David P. Kimball;  
 H. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;  
 H. R. 7539. An act granting an increase of pension to David H. Hair;  
 H. R. 7543. An act granting an increase of pension to Prior M. Pavy;  
 H. R. 7589. An act granting an increase of pension to Robert A. Scott;  
 H. R. 7652. An act granting an increase of pension to Charles W. Timms;  
 H. R. 7683. An act granting an increase of pension to James Ross;  
 H. R. 7871. An act granting an increase of pension to Jerome L. Brown;  
 H. R. 7910. An act granting an increase of pension to Nicholas Karns;  
 H. R. 8214. An act granting an increase of pension to Joseph Slagg;  
 H. R. 8285. An act granting an increase of pension to Daniel Sharpley;  
 H. R. 8291. An act granting an increase of pension to Daniel S. Chase;  
 H. R. 8552. An act granting an increase of pension to Elisha G. Horton;  
 H. R. 8903. An act granting an increase of pension to John W. Dawes;  
 H. R. 8920. An act granting an increase of pension to Andrew J. Lane;  
 H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;  
 H. R. 9101. An act granting an increase of pension to James W. Loomis;  
 H. R. 9159. An act granting an increase of pension to John S. McClary;  
 H. R. 9876. An act granting an increase of pension to William H. Mallalieu;  
 H. R. 10031. An act granting an increase of pension to Martin Haley;  
 H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;  
 H. R. 10267. An act granting an increase of pension to David W. Farington;  
 H. R. 10280. An act granting an increase of pension to James Spencer;  
 H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;  
 H. R. 10356. An act granting an increase of pension to Martin B. Doty;  
 H. R. 10394. An act granting an increase of pension to John Behymer;  
 H. R. 10474. An act granting an increase of pension to Lewis F. Davis;  
 H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;  
 H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;  
 H. R. 10902. An act granting an increase of pension to James Holderby;  
 H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;  
 H. R. 11072. An act granting an increase of pension to William T. Hosley;  
 H. R. 11100. An act granting an increase of pension to John Browne;  
 H. R. 11217. An act granting an increase of pension to Jordan H. Banks;  
 H. R. 11422. An act granting an increase of pension to George B. True;  
 H. R. 11655. An act granting an increase of pension to Theodore Cole;

H. R. 11811. An act granting an increase of pension to John Kamerer;  
 H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;  
 H. R. 11888. An act granting an increase of pension to Heman A. Harris;  
 H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;  
 H. R. 12347. An act granting an increase of pension to Samuel Palmer;  
 H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;  
 H. R. 13032. An act granting an increase of pension to Stewart McKeney;  
 H. R. 13058. An act granting an increase of pension to Thomas J. Baum;  
 H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;  
 H. R. 13318. An act granting an increase of pension to Odome Butler;  
 H. R. 13466. An act granting an increase of pension to Albert H. Bradish;  
 H. R. 13609. An act granting an increase of pension to Charles H. Guile;  
 H. R. 13631. An act granting an increase of pension to James H. Morrill;  
 H. R. 13652. An act granting an increase of pension to William O. Tobey;  
 H. R. 13949. An act granting an increase of pension to Mary A. Duryea;  
 H. R. 13998. An act granting an increase of pension to John C. Barnwell;  
 H. R. 14107. An act granting an increase of pension to Isaac Maines;  
 H. R. 14163. An act granting an increase of pension to Jerome Lang;  
 H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;  
 H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;  
 H. R. 14323. An act granting an increase of pension to Thomas Thornton;  
 H. R. 14345. An act granting an increase of pension to Peter Noblet;  
 H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;  
 H. R. 14505. An act granting an increase of pension to John L. Clifton;  
 H. R. 14544. An act granting an increase of pension to William A. Carroll;  
 H. R. 14554. An act granting an increase of pension to John Welch;  
 H. R. 14558. An act granting an increase of pension to Martha L. Wood;  
 H. R. 14705. An act granting an increase of pension to Alva Beebe;  
 H. R. 14774. An act granting an increase of pension to Levi M. Hall;  
 H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;  
 H. R. 15063. An act granting an increase of pension to Henry W. Brown;  
 H. R. 15105. An act granting an increase of pension to Jacob Shell;  
 H. R. 15502. An act granting an increase of pension to Harmon Houck;  
 H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;  
 H. R. 15547. An act granting an increase of pension to Henry D. Duffield;  
 H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;  
 H. R. 15674. An act granting an increase of pension to Susan Campbell;  
 H. R. 15676. An act granting an increase of pension to Samuel R. Smith;  
 H. R. 16371. An act granting an increase of pension to Peter Eberts;  
 H. R. 16399. An act granting an increase of pension to James H. Warford;  
 H. R. 16411. An act granting an increase of pension to Newton Moore;  
 H. R. 16571. An act granting an increase of pension to Mary L. Overley;

- H. R. 16613. An act granting an increase of pension to William C. Fox;
- H. R. 16620. An act granting an increase of pension to Jackson Adkins;
- H. R. 16807. An act granting an increase of pension to Isabella Ellis;
- H. R. 16836. An act granting an increase of pension to David C. Winebrener;
- H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
- H. R. 16875. An act granting an increase of pension to John K. Hart;
- H. R. 16973. An act granting an increase of pension to John H. Smith;
- H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
- H. R. 17271. An act granting an increase of pension to James D. Taylor;
- H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
- H. R. 17393. An act granting an increase of pension to George S. Green;
- H. R. 17528. An act granting an increase of pension to Edgar Slater;
- H. R. 17603. An act granting an increase of pension to George E. Yager;
- H. R. 17632. An act granting an increase of pension to John Frick;
- H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
- H. R. 17673. An act granting an increase of pension to Jacob H. Heck;
- H. R. 17705. An act granting an increase of pension to John A. Lovens;
- H. R. 17732. An act granting an increase of pension to Joseph Scott;
- H. R. 17780. An act granting an increase of pension to Caroline E. Perry;
- H. R. 17896. An act granting an increase of pension to James K. Dickinson;
- H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
- H. R. 18030. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes;
- H. R. 18092. An act granting an increase of pension to Andrew M. Logan;
- H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
- H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
- H. R. 18125. An act granting an increase of pension to William Griese;
- H. R. 18165. An act granting an increase of pension to Jacob Stauff;
- H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
- H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
- H. R. 18384. An act granting an increase of pension to James F. Young;
- H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
- H. R. 18409. An act granting an increase of pension to Joel Gay;
- H. R. 18428. An act granting an increase of pension to James L. Gamble;
- H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
- H. R. 18462. An act granting an increase of pension to Samuel Dailey;
- H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
- H. R. 18504. An act granting an increase of pension to James T. Rambo;
- H. R. 18523. An act granting an increase of pension to Hugh Reid;
- H. R. 18543. An act granting an increase of pension to James M. Follin;
- H. R. 18544. An act granting an increase of pension to John W. Coates;
- H. R. 18606. An act granting an increase of pension to Maria A. Maher;
- H. R. 18609. An act granting an increase of pension to Henry Delong;
- H. R. 18623. An act granting an increase of pension to John H. Bradberry;
- H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
- H. R. 18631. An act granting an increase of pension to Daniel Whalen;
- H. R. 18656. An act granting an increase of pension to George W. Gordon;
- H. R. 18657. An act granting an increase of pension to Nicholas Schue;
- H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;
- H. R. 18720. An act granting an increase of pension to Ella Donald;
- H. R. 18764. An act granting an increase of pension to Mary M. Stone;
- H. R. 18769. An act granting an increase of pension to Louisa Story;
- H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
- H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
- H. R. 18790. An act granting an increase of pension to James Murphy;
- H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
- H. R. 18816. An act granting an increase of pension to Harriet Weatherby;
- H. R. 18829. An act granting an increase of pension to William Fox;
- H. R. 18833. An act granting an increase of pension to Henry Horton;
- H. R. 18836. An act granting an increase of pension to John N. Burton;
- H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
- H. R. 18876. An act granting an increase of pension to Lemuel Hand;
- H. R. 18888. An act granting an increase of pension to Samuel Lambert;
- H. R. 18896. An act granting an increase of pension to Samuel Smith;
- H. R. 18901. An act granting an increase of pension to John E. English;
- H. R. 18903. An act granting an increase of pension to Julia A. Abney;
- H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
- H. R. 18911. An act granting an increase of pension to Frances Becker;
- H. R. 18954. An act granting an increase of pension to John E. Minnick;
- H. R. 18956. An act granting an increase of pension to Joseph Scattergood;
- H. R. 18974. An act granting an increase of pension to Minna Hildebrand;
- H. R. 18997. An act granting an increase of pension to Josephine Hardester;
- H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;
- H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;
- H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;
- H. R. 19025. An act granting an increase of pension to Milton McFarland;
- H. R. 19026. An act granting an increase of pension to Mary Navy;
- H. R. 19033. An act granting an increase of pension to Moses S. Rockwood;
- H. R. 19043. An act granting an increase of pension to Sarah V. Malone;
- H. R. 19047. An act granting an increase of pension to Susan C. Smith;
- H. R. 19053. An act granting an increase of pension to John T. Heaney;
- H. R. 19061. An act granting an increase of pension to Mary E. Mundy;
- H. R. 19068. An act granting an increase of pension to William Adams;
- H. R. 19091. An act granting an increase of pension to Ernest Langeneck;
- H. R. 19099. An act granting an increase of pension to Columbus Cox;

H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;  
 H. R. 19121. An act granting an increase of pension to Isaac Overton;  
 H. R. 19128. An act granting an increase of pension to Alexander McAlister;  
 H. R. 19130. An act granting an increase of pension to Larsey Bolt;  
 H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;  
 H. R. 19179. An act granting an increase of pension to Eliza A. Smith;  
 H. R. 19217. An act granting an increase of pension to William H. Burns;  
 H. R. 19220. An act granting an increase of pension to Calvin Corsine;  
 H. R. 19221. An act granting an increase of pension to Emma Byles;  
 H. R. 19222. An act granting an increase of pension to Catherine Warnock;  
 H. R. 19238. An act granting an increase of pension to Daniel S. Conover;  
 H. R. 19242. An act granting an increase of pension to Anthony W. Miller;  
 H. R. 19245. An act granting an increase of pension to William C. Hoover;  
 H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;  
 H. R. 19253. An act granting an increase of pension to Charles H. Thompson;  
 H. R. 19255. An act granting an increase of pension to John Bradford;  
 H. R. 19262. An act granting an increase of pension to John Wickline;  
 H. R. 19272. An act granting an increase of pension to Alice Morrill;  
 H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;  
 H. R. 19279. An act granting an increase of pension to Peter Cramer;  
 H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;  
 H. R. 19305. An act granting an increase of pension to Almus Harrington;  
 H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;  
 H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;  
 H. R. 19351. An act granting an increase of pension to William C. Mankin;  
 H. R. 19352. An act granting an increase of pension to Philip Killey;  
 H. R. 19389. An act granting an increase of pension to Lewis Marquis;  
 H. R. 19408. An act granting an increase of pension to Elisha Brown;  
 H. R. 19457. An act granting an increase of pension to Charles H. Prince;  
 H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie;  
 H. R. 19533. An act granting an increase of pension to Mary A. Hall;  
 H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;  
 H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey; and  
 H. R. 19686. An act granting an increase of pension to Orrin S. Rarick.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the congregation of Anshel Bialystock Synagogue, of New York City, N. Y., expressing gratitude to both Houses of Congress for the promptness and unanimity with which they adopted the resolution expressing the indignation of the American people at the horrible atrocities committed in Russia; which was ordered to lie on the table.

Mr. PLATT presented a petition of the Chamber of Commerce, of Albany, N. Y., praying for the ratification of the pending treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES.

Mr. DANIEL, from the Committee on Finance, to whom was referred the bill (H. R. 5223) to reimburse Quong Hong Yick

for one case of opium erroneously condemned and sold by the United States, reported it without amendment.

Mr. FLINT, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 2621) to amend an act entitled "An act to provide a government for the Territory of Hawaii," reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6523) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska, reported it without amendment, and submitted a report thereon.

#### ALASKA PACIFIC RAILWAY AND TERMINAL COMPANY.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6522) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska, to report it favorably without amendment, and I submit a report thereon.

Mr. BLACKBURN. In view of the importance of the passage of the bill at the present session of Congress, I venture to ask unanimous consent for its consideration at this time.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HANSBROUGH. I ask the Senator from Kentucky, where this bridge is to be located? In what part of Alaska?

Mr. BLACKBURN. The bill describes it as along tide water, from the mainland to the island designated in the bill, the Senator will notice.

Mr. HANSBROUGH. In southwestern Alaska or western Alaska or south Alaska?

Mr. BLACKBURN. I will ask the Senator reporting the bill from the Committee on Commerce to answer the question of the Senator from North Dakota.

Mr. BERRY. Another bill provides for the building of a bridge by the same company across the Yukon River. I am not familiar with the geography of that part of Alaska, but already the company has the right to construct a railroad there under the present law.

Mr. HANSBROUGH. The bill authorizes this work to be done by a railroad company that has complied with the law?

Mr. BERRY. That has complied with the law.

Mr. HANSBROUGH. And that has secured a right of way under the general law?

Mr. BERRY. Yes, sir.

Mr. BLACKBURN. Yes. The bill now under consideration, I will say to the Senator, does not provide for the construction of a bridge, but for a trestle and the approaches to the trestle along this tide water.

Mr. BERRY. Under the present law.

Mr. HANSBROUGH. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FRANK HOLWAY ATKINSON.

Mr. BURROWS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 6463) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson to report it favorably without amendment and I ask for its present consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It waives the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson, in consideration of his honorable service in the Navy during the Spanish war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### UNITED STATES COURT FOR CHINA.

Mr. SPOONER. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 17345) creating a United States district court for China, and prescribing the jurisdiction thereof, to report it back with a substitute, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The Committee on the Judiciary proposes to strike out all after the enacting clause and to insert:

That a court is hereby established, to be called the United States court for China, which shall have exclusive jurisdiction in all cases

and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by section 2 of this act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

That the seal of the said United States court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin: "The seal of the United States court for China."

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court, and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue.

SEC. 2. The consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed \$500 United States money and in criminal cases where the punishment for the offense charged can not exceed by law \$100 fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States court for China: *Provided also*, That appeal may be taken to the United States court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States.

SEC. 3. That appeals shall lie from all final judgments or decrees of said court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken.

SEC. 4. The jurisdiction of said United States court, both original and on appeal, in civil and criminal matters, and also the jurisdiction of the consular courts in China, shall in all cases be exercised in conformity with said treaties and the laws of the United States now in force in reference to the American consular courts in China; and all judgments and decisions of said consular courts, and all decisions, judgments, and decrees of said United States court shall be enforced in accordance with said treaties and laws. But in all such cases when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China.

SEC. 5. That the procedure of the said court shall be in accordance, so far as practicable, with the existing procedure prescribed for consular courts in China in accordance with section 4086 of the Revised Statutes of the United States: *Provided, however*, That the judge of the said United States court for China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections 4106 and 4107 of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court.

SEC. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and said treaties. The judge of said court and the district attorney, who shall be lawyers of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of \$8,000 per annum for said judge, \$4,000 per annum for said district attorney, \$3,000 per annum for said marshal, and \$3,000 per annum for said clerk. The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed \$10 per day for the judge and \$5 per day for the district attorney.

SEC. 7. The tenure of office of the judge of said court shall be ten years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President.

SEC. 8. The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each appoint, with the written approval of the said judge, deputies at Canton and Tientsin, who shall also be required to furnish bonds for the faithful performance of their duties, which bonds shall be subject, both as to form and sufficiency of the sureties, to the approval of the said judge. Such deputies shall receive compensation at the rate of \$5 for each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section 4111 of the Revised Statutes is hereby abolished.

SEC. 9. The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, subject to amendment from time to time by order of the President, and all fees so taxed and received shall be paid into the Treasury of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee just read.

The amendment was agreed to.

Mr. CARTER. I observe that an appeal lies to the circuit court of appeals. What circuit?

Mr. SPOONER. The ninth circuit.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act creating a United States court for China, and prescribing the jurisdiction thereof."

SAMUEL H. PIPES AND OTHERS.

Mr. FULTON. From the Committee on Claims I report a resolution and ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the claims of Samuel H. Pipes (S. 84); L. S. Strauss (S. 110); estate of Thomas J. Jones (S. 391); estate of Andrew J. Joyce, deceased (S. 400); estate of Isabella Ann Fluker (S. 412); John W. Heavey (S. 617); First National Bank, of Newton, Mass. (S. 693); Herman W. Reichow (S. 745); Porter Brothers (S. 746); Albert V. Conway, trustee (S. 828); T. R. Davenport (S. 1279); heirs of John Linton (S. 1292); Martha A. Vaughn Benton (S. 1478); Mrs. Sarah Winter (S. 1480); heirs of John McAnulty (S. 1482); estate of Jacob W. Hudson (S. 1485); Atlantic Works, of Boston, Mass. (S. 1662); Rinaldo, Isadore, and Robert von Balsan, and the heirs of Caroline von Balsan (S. 1717); estate of Henry Banks (S. 1867); William H. Blades (S. 2064); Willard H. Greene (S. 2078); Urias D. Ransburg (S. 2130); heirs of Edmund Wolf (S. 2132); Mary D. Murfree, executrix of the estate of Fannie Priscilla Murfree (S. 2146); estate of Mary A. Gough (S. 2205); D. B. Barbour and A. P. Gladden, co-partners, doing business under the name of Brown, Barbour & Gladden (S. 2237); Harmon W. Hessen (S. 2239); estates of Asa Faulkner, Lewis L. Faulkner, and S. B. Spurlock (S. 2304); George A. Nowland, administrator of James B. Beavers (S. 2357); estate of George F. Lee (S. 2422);

R. S. Gillilan, executrix of the estate of M. B. Gillilan (S. 2562); Fox Brothers & Co., of Cincinnati, Ohio (S. 2622); the heirs of S. H. Ayers, deceased (S. 2641); John T. Eaton (S. 2662); James A. Fitzgerald (S. 2663); heirs of Charles L. King (S. 2676); Mrs. Mary E. Ludwig (S. 2679); heirs of Harry Fennell (S. 2680); State of Oregon (civil war claims) (S. 2717); William B. Reich (S. 2756); estate of James E. Phillips (S. 2806); legal representatives of Charles W. Adams (S. 2870); estate of Joseph Moncla (S. 2902); estate of Oneziphor Delahoussaye (S. 2905); John Goldsworthy (S. 3278); heirs of Moses Winstock (S. 3287); heirs of Thomas B. Doe (S. 3332); Francis E. and Lucy G. Whitfield (S. 3343); heirs of Joseph Wilson (S. 3350); estate of John S. Christopher (S. 3427); Snare & Triest (S. 3481); James N. Bowles (S. 3450); Thomas H. Clay, administrator de bonis non of Benjamin Gratz (S. 3589); Milton F. Colburn, administrator of the estate of Gilbert Colburn (S. 3662); Gotlieb Feldmeyer (S. 3663); heirs of Henry Hackfeld, Frank Molteno, and James I. Dowsett (S. 3748); heirs of Hugh W. McGavock (S. 3825); J. W. Cromwell, surviving partner of the firm of J. W. Cromwell & Co. (S. 3838); W. W. Elam (S. 3827); heirs of Mary A. Summerhill (S. 3902); estate of Anne McCauley (S. 4011); legal representatives of William P. Curtis (S. 4071); estate of George S. De Bruhl (S. 4163); Charles Fenner, executor of George E. Payne (S. 4255); Mary E. Forrester and Alexander B. Duncan (S. 4289); estate of James Lloyd (S. 4478); Eugene B. Allen (S. 4483); Charles H. Sloan (S. 4515); estate of William P. Nuchols (S. 4538); Washington Bowie (S. 4547); heirs of Israel Blagg (S. 4553); estate of William Van Name (S. 4604); estate of David R. Hubbard (S. 4639); Benjamin Franklin Woodall (S. 4815); legal representatives of the estate of James Boggs, deceased (S. 4736);

John M. B. Walker (S. 4869); John M. B. Walker, administrator of James Walker (S. 4870); Rufus Avery (S. 4949); Erskine R. K. Hayes (S. 4951); Edward P. M. Robinson (S. 4981); heirs of James C. Lipscomb (S. 5186); Rudolph Minton (S. 5276); estate of T. S. Grider (S. 5278); Mrs. M. M. Champion (S. 5427); Eli Moats (S. 5445); estates of John McCloskey and John S. Cosgrave (S. 5490); George W. Lancaster (S. 5605); Adolph Hartiens (S. 6515); Sarah K. T. Baker (S. 5629); estate of Gideon E. Franklin (S. 5748); John L. McClendon (S. 5793); Leroy P. Walker, sole heir at law of Eliza D. and L. P. Walker (S. 5807); Le Vert and Masten (S. 6016); William Taylor (S. 6053); ship keepers of the Mare Island Navy-Yard, Cal. (S. 6066); State of California (Southern civil war claims) (S. 6067); Mrs. Gabriel Le Breton Deschappelles (S. 6070); State of California (Indian hostility suppression claims) (S. 6074); Thomas B. Miller, legal heir of Milton R. Muzzy (S. 6173); Benjamin Fenton (S. 6263); estate of William A. Jeffries (S. 6311); estate of Henry W. Miller (S. 6343); and Albert L. Scott (S. 6434), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker act, and said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. HALE. I see there is a reference in the resolution to the Tucker Act. What is the scope of the resolution?

Mr. FULTON. This is what is called the omnibus resolution. It refers about 110 or 112 bills to the Court of Claims for findings of fact.

Mr. HALE. It is reported from the Committee on Claims?



Range of prices of different grades of cattle in Omaha, Kansas City, St. Louis, and St. Joseph May 15 to June 14, 1906, inclusive.

	May—											June—												
	15.	16.	17.	18.	19.	21.	23.	24.	25.	26.	28.	29.	31.	1.	2.	4.	5.	6.	7.	8.	9.	11.	12.	14.
<b>Omaha:</b>																								
Native steers.....	\$4.25	\$4.25	\$4.25	\$4.25	\$4.40	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25
Cows and heifers.....	3.25	3.25	3.25	3.25	3.25	3.25	3.00	3.25	3.00	3.00	3.25	3.25	3.00	3.25	3.25	3.25	3.25	3.00	3.25	3.25	3.25	3.00	3.00	3.00
Western steers.....	4.50	4.65	4.75	4.75	4.75	4.75	4.50	4.60	4.50	4.50	4.50	4.50	4.50	4.50	4.65	4.65	4.50	4.50	4.50	4.50	4.50	4.50	4.40	4.50
Canners.....	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	1.75	1.75	1.75	2.00	1.75	1.75
Stockers and feeders.....	4.85	4.60	4.60	4.60	4.65	4.60	4.60	4.65	4.65	4.60	4.65	4.60	4.60	4.60	4.65	4.65	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.60
Calves.....	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Bulls, stags, etc.....	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25
<b>Kansas City:</b>																								
Native steers.....	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00
Southern steers.....	3.50	3.50	3.50	3.50	3.50	3.50	3.00	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.25	3.25	3.50	3.50	3.25	3.00
Southern cows.....	2.50	2.50	2.50	2.50	2.50	2.50	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.25	2.25	2.25	2.25	2.25	2.25
Native cows and heifers.....	3.00	3.00	3.00	3.00	3.00	3.00	2.75	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Stockers and feeders.....	4.60	4.50	4.60	4.60	4.60	4.50	4.50	4.50	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40	4.40
Bulls.....	3.00	3.00	3.00	3.00	3.00	3.00	2.75	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Calves.....	6.00	6.00	6.00	6.00	6.00	6.00	6.35	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.50	6.25	6.25
Western-fed steers.....	3.75	3.75	3.75	3.75	3.75	3.75	3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Western-fed cows.....	2.75	2.75	2.50	2.50	2.50	2.50	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
<b>St. Louis:</b>																								
Beef steers.....	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.50	3.50
Stockers and feeders.....	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40
Cows and heifers.....	5.15	5.00	5.00	5.00	5.00	5.00	5.15	5.00	5.15	5.15	5.15	5.15	5.15	5.15	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.15
<b>St. Joseph:</b>																								
Native steers.....	4.00	4.50	4.50	4.50	4.50	4.50	3.00	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.25	4.25	4.25	4.25	4.00	4.00	4.00	4.00
Texas and western.....	3.75	4.00	4.00	4.00	4.00	4.00	3.50	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	3.50	3.50	3.50	3.50
Cows and heifers.....	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75
Stockers and feeders.....	4.50	4.50	4.50	4.50	4.50	4.50	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75

Probably typographical error.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 26:

S. 4954. An act authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel; and

S. 3743. An act to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona.

On June 27:

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes; and

S. 4190. An act to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1897.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 12869. An act to revise and amend the United States Statutes relating to the commitment of United States prisoners to reformatories of States; and

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 20287. An act to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.; and

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River.

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich., was read twice by its title, and, on motion of Mr. BURROWS, referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 4256. An act for the relief of the Alaska Short Line Railway and Navigating Company's Railroad;

S. 6375. An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah; and

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.;

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands;

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant;

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri; and

H. R. 20290. An act to amend the river and harbor act of March 3, 1905.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 130. An act authorizing the extension of Kalorama road NW.;

H. R. 675. An act granting an increase of pension to Daniel Morrissey;

H. R. 1148. An act granting an increase of pension to Marion F. Halbert;

H. R. 1238. An act granting a pension to Susan R. Stalcup;

H. R. 1420. An act granting a pension to John Nay;

H. R. 1572. An act for the relief of Thomas W. Higgins;

H. R. 2014. An act granting an increase of pension to Enoch McCabe;

H. R. 2212. An act granting a pension to John B. Johnson;

H. R. 6336. An act granting a pension to Elizabeth A. Ames;

H. R. 6893. An act granting a pension to Augusta C. Reichburg;

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 7254. An act granting an increase of pension to Isum Gwin;

H. R. 7546. An act granting a pension to Edna Buchanan;

H. R. 7635. An act granting a pension to Delia Gibbs;

H. R. 7763. An act granting a pension to James S. King;

H. R. 8140. An act granting a pension to Lucy A. Thomas;

H. R. 8215. An act granting an increase of pension to Ira Palmer;

H. R. 8660. An act granting a pension to William Mabery;

H. R. 10808. An act granting an increase of pension to Michael Kearns;

H. R. 10998. An act granting a pension to Helen G. Powell;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi;

H. R. 11780. An act granting an increase of pension to Charles Stair;

H. R. 12013. An act granting a pension to Emma Fox;

H. R. 12531. An act granting a pension to Charles Collins;

H. R. 13967. An act granting a pension to Sophie M. Staab;

H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;

H. R. 14798. An act granting a pension to Lucinda Brady;

H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;

H. R. 15856. An act granting a pension to Gordon A. Thurber;

H. R. 15945. An act granting a pension to Cynthia A. Compton;

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;

H. R. 16575. An act granting an increase of pension to Taylor Bates, alias Baits;

H. R. 17102. An act granting a pension to Katherine Studdert;

H. R. 17133. An act to amend section 548 of the Code of Law for the District of Columbia;

H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north, of range No. 1 west, of the Indian meridian, in Kay County, Okla.;

H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;

H. R. 17600. An act to grant authority to change the names of certain sailing vessels;

H. R. 17809. An act granting a pension to William Barrett;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 18235. An act granting a pension to Ida M. Warner;

H. R. 18324. An act granting a pension to Charles H. Lunger;

H. R. 18432. An act granting an increase of pension to David Dirck;

H. R. 18587. An act granting a pension to Catherine Bausman;

H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;

H. R. 18666. An act to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes;

H. R. 18713. An act to validate certain certificates of naturalization;

H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;

H. R. 18732. An act granting a pension to James J. Christie;

H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;

H. R. 19100. An act granting an increase of pension to Asa G. Brooks;

H. R. 19120. An act granting a pension to Eliza E. Whitney;

H. R. 19519. An act to extend the privilege of the seventh section of the act approved June 10, 1880, to the support of Superior, Wis.;

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;

H. R. 19662. An act granting an increase of pension to Joseph Kircher;

H. R. 19670. An act granting a pension to Maria Rogers;

H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River; and

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906.

## STATISTICS RELATIVE TO LIVE STOCK, ETC.

Mr. WARREN. Pursuant to the notice given yesterday, I should like to call up from the table Senate resolution 156.

The VICE-PRESIDENT. The Senator from Wyoming calls up a resolution, which will be read.

The Secretary read the resolution submitted by Mr. WARREN on the 22d instant, as follows:

*Resolved*, That the Secretary of the Department of Commerce and Labor cause to be made by the Bureau of Census, and to present the same to the Senate, a statement compiled from the most recent census returns, showing the number and value of cattle, sheep, horses, and swine in the United States; the number and value exported; the number and value imported; the number of persons employed in the slaughtering of live stock and the preparation of meat products and the amount of wages paid them; the amount of duty collected from imports of live stock for the most recent year for which such statistics have been collected.

Also a statement of the statistics of hides and leather, tanned, curried, and finished; the number and value of boots and shoes manufactured in the United States; the number and value exported; the number and value imported; the number of persons employed in the manufacture of leather products, including boots and shoes, and the amount of wages paid them; the amount of duty collected from imports of leather products, including boots and shoes, and the value of hides and leather admitted free of duty and the value of hides and leather admitted upon which duty is paid, and the amount of the same, for the most recent year for which statistics have been collected.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. Certainly.

Mr. HALE. There is so much noise in the Chamber it was impossible to hear the Secretary reading.

The VICE-PRESIDENT. The Senate will please be in order.

Mr. HALE. I could not gather what is the scope of the resolution. It seemed to me as if it was a general provision for taking statistics which would be almost as broad as a new census. I do not know that that is so. I wish—

The VICE-PRESIDENT. The Secretary will again read the resolution.

Mr. WARREN. Perhaps I can give the Senator the information he wants, and he may not desire to have the resolution again read.

Mr. HALE. Very well.

Mr. WARREN. The resolution is one which I do not expect to secure the passage of at the present time. I wish to submit some remarks upon it, and then if the Senator has any objection to it it can go over or it can be referred to a committee.

Mr. HALE. Then I will ask that it be referred to the Committee on the Census.

Mr. WARREN. That will be perfectly agreeable to me.

Mr. HALE. That is entirely satisfactory.

The VICE-PRESIDENT. The Senator from Wyoming will proceed.

Mr. WARREN. Mr. President, Congress has had much to do, and the press of the country and the people much to say of late, about live stock and the products and manufactures therefrom.

The newspapers and public men of certain States have aggressively demanded "free raw material"—so called, errone-

ously—such as free wool, free hides, free coal for manufacturing same, etc.; and the excitement in one State at one time reached a point where a candidate for governor was in wide difference through the public press with the President of the United States as to sentiments entertained and expressed upon this subject.

Still later, from the White House and by Executive direction has followed an inspection of certain features of the live-stock industry, the result of which has surprised the nation.

Hence it is that I am moved to ask for still further light, that we may know the extent of the interests for which we are called upon to legislate.

CURRENT INFORMATION WILL ASTONISH THE SENATE.

The information called for by the resolution just presented will, I believe, astonish the Senate, as it will, when received, show statistics and details of magnitude almost beyond comprehension.

The Twelfth Census reports, covering a period of collection and compilation of over six years ago, indicated that the live-stock industry, even at that time, was the largest of all the industries in the United States, and a statement of the industry as it exists to-day would show that it maintains its supremacy and is deserving of the most careful and important consideration by Congress and the American people.

The Twelfth Census gave the results of its compilation of live stock for 1899, and the figures, although stupendous, did not, I believe, fully represent this mammoth industry for that year, and since that time, in the seven years following, increases in some of the lines have been phenomenal.

In the United States, in 1899, the Bureau reported:

Domestic animals, value, \$2,981,722,945.

	Number.	Value.
Neat cattle.....	67,822,336	\$1,476,499,714
Horses.....	18,280,007	896,935,343
Mules.....	3,271,121	196,812,560
Sheep.....	61,605,811	170,337,002
Swine.....	62,876,108	232,027,707
Goats.....	1,871,252	3,296,030

Sales of live animals in 1899 for slaughter brought \$722,913,114.

Animals slaughtered on farms brought \$189,873,310.

The number of persons engaged in the live-stock and interdependent industries at that time was:

In agricultural pursuits.....	10,381,765
Stock raisers, herders, etc.....	169,976
Butchers.....	113,193
Meat packers.....	13,776
Leather and its products.....	557,401
Candle, soap, and tallow makers.....	4,020

A total of 11,240,131 persons, whose livelihood was dependent directly and indirectly on the live-stock industry, or 38 per cent of our entire working population.

INCIDENTAL BRANCH OF LIVE-STOCK BUSINESS IS GREATEST OF OUR INDUSTRIES.

The incidental branch of the live-stock industry, that of slaughtering and meat packing, not including retail butchering, ranks No. 1 in all of our industries in value of net products, the value in 1899 being \$684,119,221. *The present year it will reach \$1,000,000,000.* It ranked No. 17 in the number of wage-earners, this number being 69,441; No. 15 in rank in value of wages, the amount being \$33,923,253; No. 10 in amount of capital employed, this being \$190,706,927. When the interdependent industries connected with the live-stock industry are combined with it this industry takes first rank with all of the industries of the United States in value of products, amount of wages paid, and capital employed.

And so, to adequately present to the Senate the importance of this industry and to bring us up to date, I ask the adoption of my resolution.

Of all that has been spoken or written concerning our great industries, the least has been said of the largest. I doubt if one person in ten would be able to tell offhand what our greatest industry is and give even approximately its annual value. Some would say our iron and steel production, with its more than \$1,000,000,000 worth of yearly output. Others would say our textile industry is the largest; and yet our woolen, cotton, silk, and linen goods combined do not equal our iron and steel products. Others would perhaps say our mineral products, which in 1904 amounted in value to \$1,289,000,000. Some might think our building industry the greatest. Some would no doubt

say our lumber and timber products, and others our flouring and grist mill products. Some might say our freight traffic or total railroad earnings of about \$2,000,000,000. But they would all be wrong, for, as I have already indicated, the one branch of industry under consideration is greater than any of the others I have named, and it far exceeds any other single agricultural or manufacturing pursuit in which our people are engaged.

Of course, I refer to the raising, slaughtering, and distribution of animals and animal products. That it may be seen how this compares with other great industries, I present the following table of figures taken from the census of 1900:

Value of products, census of 1900.	
Carpentering.....	\$316,101,758
Clothing (men's).....	159,339,539
Cotton goods.....	339,200,320
Flouring and grist mill.....	501,398,304
Foundry and machine shop.....	644,999,999
Iron and steel.....	596,639,284
Lumber and timber.....	555,197,275
Printing and publishing.....	347,055,050
Woolen and worsted goods.....	296,990,484
Slaughtering and meat packing (not including retail butchering).....	785,562,413

In 1905 the census returns show the value of products of slaughtering and meat packing alone, and not including retail butchering, to have reached the enormous sum of \$913,914,624. But in addition there were 113,193 butchers engaged in retail butchering to a greater or less extent, whose products would swell the above figures to at least \$1,500,000,000, for it must be remembered that the great packers reship about 40 per cent of their live stock. Then there are about 6,000,000 farmers whose product, if each slaughtered only \$100 a year on the average, would amount to \$600,000,000. So that it is a very conservative and low estimate to say that the annual product of our animal industry exceeds \$2,000,000,000 in value.

This is many times the value of all the gold produced in the world in 1903, the last year we have full figures for. It is nearly as much as all the gold produced in the United States during the whole history. An industry of such magnitude and value is, I maintain, well worth developing, well worth preserving, well worth protecting.

RELATION OF RAW MATERIAL TO FINISHED PRODUCT.

Let me at this point call attention to the most significant feature of this industry, namely, the value of the so-called raw material. The cost of material used in the iron and steel production of 1900 was \$390,563,117; in the foundry and machine-shop products, \$286,357,107; in cotton goods, \$176,551,527, and in other great industries the cost of material runs from less than one-half to about three-quarters of the value of the finished product, while in the slaughtering and packing industry the cost of raw material in 1900 was \$683,583,577, or about seven-eighths of the value of the final product.

It is chiefly of this material that I shall speak to-day, and I propose, Mr. President, to confine myself for the most part, in the brief remarks I shall make, to one branch of the great industry, namely, cattle and cattle raising.

SHEEP AND WOOL.

Much attention has been given in the past to our sheep and wool industry. It has been attacked by free-traders and defended by protectionists. We have tried free wool and seen our flocks disastrously shrink in number and value.

Let me make but a single comparison. In 1893 our sheep numbered 47,273,553 and were worth \$125,909,264. In 1897, after more than two years of free wool, our sheep numbered only 36,818,643 and were worth only \$67,020,942, or but a little more than one-half their value of the four years previous. On January 1 of this year, under protection, in spite of the great demand for lamb and mutton, we had 50,631,619 sheep, and their value was \$179,056,144, or nearly three times their worth under a free-wool tariff. These figures illustrate, Mr. President, what free trade and protection have done for one branch of our animal industry. The lesson of free wool, so recently learned and so well learned, will, I believe, keep us from any danger of free wool again, for a generation at least, and I may dismiss the subject with the brief allusion I have made. Nor shall I concern myself with our hogs and hog product, important and enormous as it is, nor with our mutton output, great and fast growing as it is, but I will devote my few remarks to cattle products and by-products which are the objects of the latest free-trade attacks, as well as the cause of the great meat-inspection upheaval now on.

VALUE OF FARM ANIMALS UNDER FREE TRADE AND TARIFF.

On January 1 of this year our farm animals were valued at \$3,675,389,442, as compared with a valuation of \$1,655,414,612

on January 1, 1897, the last year of the Gorman-Wilson tariff. Let me now give the figures for several years showing the number and value of milch cows, oxen, and other cattle. They are taken from the Statistical Abstract, as follows:

January 1—	Oxen and other cattle.		Milch cows.	
	Number.	Value.	Number.	Value.
1890	36,849,024	\$500,625,137	15,952,883	\$353,152,133
1891	36,875,648	544,127,908	16,019,591	346,397,900
1892	37,651,239	570,749,155	16,416,351	351,378,132
1893	35,954,196	547,882,204	16,424,087	357,299,785
1894	36,608,168	536,789,747	16,487,400	358,998,661
1895	34,364,216	482,999,129	16,504,629	362,601,729
1896	32,085,400	508,928,416	16,137,586	363,955,545
1897	30,508,408	507,929,421	15,941,727	369,230,993
1898	29,294,197	612,296,634	15,840,886	434,813,826
1899	27,904,225	637,931,135	15,990,115	474,233,925
1900	27,610,054	689,486,260	16,292,360	514,812,106
1901	45,500,213	906,644,003	16,833,657	505,093,077
1902	44,727,797	839,123,073	16,696,802	488,130,424
1903	44,659,206	824,054,902	17,105,227	516,711,914
1904	43,629,498	712,178,134	17,419,817	508,811,489
1905	43,669,443	661,571,308	17,572,464	482,272,203
1906	47,067,656	746,171,709	19,793,866	582,788,592

It will be seen that the cattle of January 1, 1897, numbered 46,450,135, while on January 1 last they numbered 66,861,522, a gain of 44 per cent. The value of these cattle was \$877,169,414 on January 1, 1897, and \$1,328,860,311 on January 1, 1906, a gain of 51 per cent. The average under the Wilson-Gorman tariff was about \$860,000,000, while the average value under the Dingley tariff has been \$1,237,000,000.

Coming now to the cattle slaughtered, I will give the number received at five western markets during 1895 under the Wilson-Gorman tariff, and 1905 under the Dingley tariff.

Number of cattle received at markets named.

	1895.	1905.
Chicago	2,588,558	3,410,469
Kansas City	1,613,454	2,180,491
Omaha	586,103	1,026,392
St. Louis	851,275	1,254,236
St. Joseph	49,203	501,200
Total	5,688,593	8,372,788

A gain of 47 per cent.

It is probable that this gain per cent was fully maintained at the many smaller markets throughout the country, and as the gain in value was much greater than the gain in number, the cattle raiser has been doubly benefited under our present tariff law.

WE SHOULD NOT LOWER THE PRESENT TARIFF ON CATTLE.

I wish now, Mr. President, to give the paragraph of our present tariff law affecting cattle. It is as follows, being paragraph 218 of Schedule G:

218. Cattle, if less than 1 year old, \$2 per head; all other cattle, if valued at not more than \$14 per head, \$3.75 per head; if valued at more than \$14 per head, 27½ per cent ad valorem.

Animals imported for breeding purposes and for exhibition are admitted free under certain conditions.

All live-stock animals were dutiable at 20 per cent ad valorem under the Wilson-Gorman tariff. Under the McKinley law of 1890, cattle more than 1 year old were dutiable at \$10 per head; 1 year old or less, \$2 per head. The present duty on cattle, Mr. President, is none too large for the protection of our farmers and cattle growers. The plea is made that the duty only benefits the so-called "meat trust," and enables the packers to control the price of meat, which we know is greater than it was ten years ago. I do not propose to either condemn or defend the so-called "meat trust." I simply want to assert that the duty has nothing to do with the retail price of meat, save in so far as our tariff, in giving more employment and more wages to consumers, creates a demand for meat far in excess of previous years and far in excess of the demands of any other people. I have shown that the value of cattle has increased over 50 per cent since the Wilson-Gorman tariff.

That is the price which the farmer and cattle grower received, and yet Dun's index prices of all meats were only 8.426 cents per pound of meat on January 1, 1906, as compared with 8.359 cents per pound on January 1, 1895, a very insignificant increase. Moreover, Mr. President, meat in the United States, under protection, is less in price than in Great Britain under free trade. Beef, according to the prices furnished by the New York Produce Exchange, was 20 to 25 per cent higher during 1905 than during 1895. But corn and hay and labor were more than 25 per cent higher. If the packers do control prices, and

if they could import cattle from Mexico, Canada, and other countries duty free, then who would benefit? We would have to pay the same price for beef, and the packers would pocket the difference. They would then compel our farmers and cattle growers to meet the foreign price, depressing the domestic industry, reducing cattle prices, and then hold us at their mercy as regards prices for retail consumption.

SOME EXPERIENCES UNDER WILSON-GORMAN ACT.

In this connection I want to give you our experience under the Wilson-Gorman tariff. Under the tariff of 1890, known as the "McKinley law," the duty of \$10 per head on cattle over a year old was practically prohibitive. With the repeal of that law and the reduction to 20 per cent ad valorem under the tariff of 1894 importations of cattle were resumed. Let me give you a few sentences from the testimony of Representatives Noonan, of Texas, before the Ways and Means Committee of the Fifty-fourth Congress, January 5, 1897:

The present tariff has practically placed horses, cattle, sheep, and goats on the free list, and it has resulted in great loss to the breeders of stock, many of whom have been bankrupted. Numerous ranches have been abandoned or have gone into decay, and millions of acres of good grazing lands are unused and the grass wasted because the business does not justify stockmen in raising animals for market at present rates. As a consequence all of their industries are languishing from the effects of Mexican competition. Nearly half a million of cattle have been imported from Mexico into the United States through Texas ports since the repeal of the McKinley law. The ranchmen of Texas are unable to sell their stock at the price paid for the Mexican cattle. Texas cattle raisers are required to rent or buy land upon which to graze their cattle, and they are obliged to pay more than double the wages paid in Mexico. Hence citizens of Texas are almost a unit against the importation of these Mexican cattle. At least 95 per cent of the cattlemen in Texas are opposed to the present duty and are in favor of the restoration of the McKinley rate. The tariff once restored—a specific tariff and one sufficient to protect their interests—the old abandoned ranches will at once be reoccupied and our people will again be remunerated for their expenditure and labor, and the prosperity they have yearned for will return.

Placing hides on the free list in 1872 has caused great complaints among stockmen. They claim it was akin to confiscation; that it was a forced loan to benefit leather makers. It diminishes the value of every head of neat cattle in the United States at least \$1 per head without any benefit whatever to the consumers of leather. Texas stockmen felt most sensibly the damage to their interests, as it affected the price of cattle raised by them for market. Therefore they expect a restoration of the tariff on hides of at least 10 per cent.

The California delegation submitted the following:

Under the last year of the McKinley tariff only 3,098 cattle came into this country, while under the first year of the Wilson bill there were 217,212 head of cattle brought into the United States. California is largely engaged in the cattle business, and our information is that the business is much injured by the new tariff. Beef cattle bring on an average about \$10 per head less, and without any reduction in price to the consumer.

In our opinion, the importation of cattle from Mexico under the present tariff is destroying the cattle business in California.

IMPORTED CATTLE UNDER TWO TARIFF LAWS.

Representative CURTIS, of Kansas, spoke of a trip through his State, saying:

I took particular occasion every place I went to refer to the large importation of Mexican cattle and to find the feeling in the neighborhood in reference to having the duty restored on cattle, and I found the sentiment was almost unanimous, and I never met but one man who said he was benefited by the importation of these cattle. For four years under the McKinley law we only imported 19,000 head of cattle, and we have imported about 367,000 under the Gorman-Wilson law up to October, 1896; and I want to say that the consumers of beef—no one of them has been benefited a penny by this large increase in the importation of Mexican cattle, but they have been fed poorer beef than ever before. If you restore the duty upon cattle, the cattle raisers of Kansas will take the responsibility of furnishing their share of the cattle to supply the markets of this country.

FARMERS AND CATTLEMEN WANT PROTECTION.

I need not augment this testimony, Mr. President. Our farmers and cattle raisers want protection for their product, and we should be wronging every one of our agriculturists and those depending on them by lowering the present duty. The benefit is far reaching, as can be seen by the fact that of the 325,000,000 bushels of corn produced in Nebraska in 1905, half of it was fed to cattle; the same ratio undoubtedly holding good for Iowa, Kansas, Missouri, and other sections.

The tariff on cattle protects and benefits nearly one-half of our people as producers or dependents, and it does not affect the price of meat to the consumer. As to the duty of 2 cents on meat, it, too, has little or no effect on the retail price. If it did have, the price of beef or pork or mutton would not be 2 cents per pound more than if no duty existed, while it is well known that the price of certain meats has advanced in recent years more than that amount. The price of meat will be governed by the price of cattle, and their price will be governed by the cost of feed and labor in raising, and in every case the farmer or cattle grower will benefit, as he should benefit.

FINISHED PRODUCT OF OTHER INDUSTRIES PROTECTED.

Let me now briefly explain why he should benefit and why this branch of his industry should be protected. In the first

place, the finished products of other great industries, of which his finished product is the raw material, has greater protection, larger duties, than his own. It is estimated that of 1,000 pounds of live stock, 550 pounds become dressed beef, leaving 450 pounds of nonedible material. This latter is converted into so-called "by-products," the science of converting which has made such progress that there is to-day practically no waste whatever of this 450 pounds of nonedible material, but, instead, 120 different products, all more or less valuable, are secured. So important and interesting is this phase of the subject, that I wish to quote the following from a recent article:

Once the 450 pounds of nonedible material was largely thrown away, although the hide and tallow were utilized. Later, some of the waste products were used in the manufacture of glue. Nitrogen being the chief element in plant food, and this being abundant in the great mass of refuse matter originally thrown away as hopeless waste from all the packer's processes, a most important economic advance was made in the step which turned this large volume of scrapage into fertilizer.

It is good sense and for the best interest of the world that all material not needed to feed, clothe, and heal the world should be returned to the ground for food for plants, to grow more grain, to feed more cattle, and to feed more people. That is the circle completed by the packer.

All the cunning of the chemist has been called into service to save, to make the most of every scrap of material in the land, and to discover new ways in which some elements of waste may be diverted from uselessness to use. Hundreds of valuable products are now made and shipped all over the world from materials which under old methods had little or no value. Thousands of people are employed in manufacturing these products. The technical schools are constantly being called upon for young men to aid in solving new problems in by-product utilization. New plants are being built requiring material, machinery, and labor in construction. Success in by-product utilization in the packing industry has directed the attention of other industries in this important element in industrial administration.

All this directly affects the people and has been of great benefit to them. The investigator in medicinal and other lines is constantly calling upon the packer for material to aid him in his work. In the pharmaceutical line much has been done of benefit, and many ills are helped by pharmaceutical preparations of animal origin. In the fertilizing line many sections are given over to growing products which could not be profitably grown without the use of fertilizers. The upland-cotton section of the South has been made by the use of fertilizer in the growing of cotton. Sandy soils in sections climatically favorable have been developed into large truck-farming districts through the use of fertilizers, as the soil without fertilizers is practically sterile.

The furniture of the country is glued with the packers' glue. A great deal of wool used in clothing is from the sheep slaughtered by the packers. One of the largest sources of curled hair is the switch from the tails of cattle. A large portion of the soap manufactured comes from the tallows and greases prepared by the packers. The colors in the summer prints worn by women are largely fixed by the use of albumen prepared by the packers, as is also the finish on many of the fine leathers. The horn comb, hairpins, and buttons are made from the horns of steers. The knife handle, the bone button, and many other articles are made from hard bone of cattle.

Researches by scientists of the first class are employed every day by physicians, surgeons, dentists, and chemists throughout the world. More than thirty recognized therapeutics agents of animal origin are produced in Armour & Co.'s laboratory. Among them are the pepsin and pancreatin that physicians use in treating digestive disorders. There is a product of the thyroid glands that is employed in treating cretinism or idiocy. Another is suprarenalin, used in the most delicate surgical operations to stop the flow of blood. To illustrate how closely the by-product feature of the business is gleaned, the suprarenal glands of more than 100,000 sheep are required to produce 1 pound of suprarenalin, and when produced this suprarenalin is worth more than \$5,000 a pound.

Certain by-products of the packing plants are used for hardening and for coloring steel. In fact, materials of animal origin, the result of by-product utilization, enter into the manufacture of almost every article extensively.

BY-PRODUCTS ARE PROTECTED.

Most of these by-products are protected, and the farmer and cattle grower buy them back and consume them more largely than any other class of people. It is fair and equitable to them that they should have a compensating duty on their own products. I will endeavor to illustrate this fully in the case of the principal by-product of cattle—hides.

SHALL HIDES BE FREE OR PAY A DUTY AS NOW?

There was no duty on hides until 1842, when a tariff of 5 per cent was imposed. This duty remained until 1857, when it was reduced to 4 per cent. March 2, 1861, it was put again at 5 per cent, and August 5, 1861, was increased to 10 per cent, where it remained until May, 1872, when hides were again put on the free list, where they remained until the present Dingley law, which went into operation July 24, 1897, when the following duty was imposed, it being paragraph 437:

437. Hides of cattle, raw and uncured, whether dry, salted, or pickled, 15 per cent ad valorem: *Provided*, That upon all leather exported, made from imported hides, there shall be allowed a drawback equal to the amount of the duty paid on such hides, to be paid under such regulations as the Secretary of the Treasury may prescribe.

Let me at this point also give the paragraphs relating to the duty on leather and boots and shoes. They are as follows:

438. Band or belting leather, sole leather, dressed upper, and all other leather, calfskins, tanned or tanned and dressed kangaroo, sheep and goat skins (including lamb and kid skins), dressed and finished, chamois, and other skins, and bookbinders' calfskins, all the foregoing not specially provided for in this act, 20 per cent ad valorem; skins for morocco, tanned, but unfinished, 10 per cent ad valorem; patent, japanned, varnished, or enameled leather weighing not over 10 pounds

per dozen hides, or skins, 30 cents per pound and 20 per cent ad valorem; if weighing over 10 pounds and not over 25 pounds per dozen, 30 cents per pound and 10 per cent ad valorem; if weighing over 25 pounds per dozen, 20 cents per pound and 10 per cent ad valorem; pianoforte leather and pianoforte action leather, 35 per cent ad valorem; leather shoe laces, finished or unfinished, 50 cents per gross pairs and 20 per cent ad valorem; boots and shoes made of leather, 25 per cent ad valorem: *Provided*, That leather cut into shoe uppers or vamps or other forms, suitable for conversion into manufactured articles, shall be classified as manufactures of leather and pay duty accordingly.

447. Harness, saddles, and saddlery, or parts of either, in sets or in parts, finished or unfinished, 45 per cent ad valorem.

450. Manufactures of leather, finished or unfinished, \* \* \* not specifically provided for in this act, 35 per cent ad valorem.

COMPENSATORY DUTY PROTECTS THE MANUFACTURER.

Thus we see, Mr. President, that the present law provides for an equitable and compensating duty on both raw material and finished product. The consumer of the cattle product, hides and leather, has a protective duty on his product, boots and shoes, while the farmer and cattle grower who buys boots and shoes and other leather products have a protective duty on their product which furnishes the material. This is as it should be. The wool grower and manufacturer have compensating duties; the miner and iron and steel manufacturer have compensating duties, and so on through all our industries. All are protected; the farmer, the ranger, the forester, the miner, the fisherman, the manufacturer, and the employee all benefit from protection against the low-paid foreigner. Our present tariff is the most

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Massachusetts?

Mr. WARREN. Certainly.

Mr. LODGE. I should like to ask the Senator a question in that connection. He has spoken of the duty on boots and shoes. I wish to understand the Senator's position correctly. Suppose the duty on boots and shoes were removed, would the cattle raisers, the farmers, who are interested in the duty on hides, then consent to a removal of the duty on hides?

Mr. WARREN. Mr. President—

Mr. LODGE. I am aware that is a matter of opinion.

Mr. WARREN. The farmers and stockmen, in my opinion, are not seeking for a removal of the tariff on leather or on boots and shoes; they stand for that tariff, as well as for the tariff on hides.

Mr. LODGE. The Senator from Wyoming spoke of that as a compensating duty, which, of course, it is.

Mr. WARREN. I maintain that, of course.

Mr. LODGE. What I wanted to get at was whether the Senator felt that if one tariff was removed the other should also be removed?

Mr. WARREN. I intend to come to that, Mr. President, but I will now answer the Senator from Massachusetts in a word by saying that I do not believe in removing either one. But if the tariff on hides is removed we must, as a matter of course, remove the tariff on leather and boots and shoes. This would be only simple justice. Our present tariff is the most just law ever in operation, and it is probably more perfect and equitable than any law that could be framed at present to take its place.

To be sure all are not satisfied and never would be under any tariff. Some of the manufacturers of boots and shoes are particularly insistent upon a repeal of the duty on hides. And yet they never were so busy or so prosperous as they have been under the operation of the present tariff. I wish to give the figures showing our exports of cattle, leather, and boots and shoes for the two years 1895 and 1905, the former under free trade, the latter under dutiable hides of cattle.

Exports of cattle, boots, shoes, and leather.

Article.	1895.	1905.
Cattle.....number.....	331,722	567,806
Cattle.....value.....	\$30,603,796	\$40,598,048
Boots and shoes.....number pairs.....	822,412	5,315,699
Boots and shoes.....value.....	\$1,010,228	\$8,057,897
Total leather and manufactures of.....	\$15,614,407	\$37,936,745

UNITED STATES EXPORT OF BOOTS AND SHOES INCREASED 500 PER CENT.

It will be seen that our exports of cattle increased about 25 per cent; our exports of all leathers and manufactures of about 150 per cent, and our exports of boots and shoes over 500 per cent in number and 700 per cent in value.

Mr. HOPKINS. Is that since the Dingley law went into effect?

Mr. WARREN. Yes; for the ten years from 1895 to 1905 the exports of boots and shoes increased over 500 per cent, including, of course, the nine years since the 15 per cent ad valorem tariff was imposed upon cattle hides.

## MORE MARKETS OPEN.

And the foreign field for markets for American-made boots and shoes is by no means exhausted, and in this connection I ask leave to insert a brief extract from a report made by Special Agent Harry R. Burrill, of the Bureau of Manufactures, Department of Commerce and Labor, on "Shoes in China."

## OPEN DOOR FOR AMERICAN ENTERPRISE.

Special Agent Harry R. Burrill furnishes a report on foot wear in China which should be given careful consideration by manufacturers of shoes in the United States. The styles of shoes worn by the Chinese, the materials of which made, and methods of manufacture are described in detail, and the opinion is expressed that the Chinese styles can be produced in the United States and sold in successful competition with the handmade product of the natives. The prospective value of the market can not be estimated with any degree of accuracy. It is estimated that the lower classes expend about \$1.50 American money per capita per annum for shoes, while the expenditure of the upper classes varies from \$3 to \$10 per annum. With a population of 400,000,000 it will be seen that China presents an inviting field for effort on the part of our manufacturers. Samples of the shoes described by Special Agent Burrill are in possession of the Bureau of Manufactures, and will be loaned to manufacturers in the order of application. Mr. Burrill's report follows:

"The expenditure for the native-made boots and shoes of China reaches enormous proportions annually, but as yet there has apparently been no systematic effort on the part of foreign manufacturers to enter the field. With so great a demand for footwear, which, it is believed, could be produced by our improved machinery and methods in the large quantities required and at prices below those paid for the handmade article in China, it would appear that American manufacturers might produce shoes of Chinese patterns and lay them down in the various parts of the Empire under conditions which would enable dealers there successfully to compete with the native goods.

"The market is expanding steadily because of the constantly increasing purchasing power of the Chinese, and a careful investigation by an expert would, it is confidently asserted by those in close touch with the situation, disclose conditions and opportunities which the manufacturers of the United States should not ignore.

## "AN INVITING FIELD.

"Chinese boots and shoes are made by the cheapest labor in the world; but it must be remembered that in the manufacture of the enormous quantity required no machinery of any kind whatsoever is used. The consequence is that while there is a certain necessary uniformity observed in the cut and pattern, the work is slow, the workmanship poor, and the quality of the materials used unserviceable. It is certainly fair to assume that if the natives of China could be supplied with boots and shoes made in exact accord with the styles popular throughout the Empire, possessing the advantages of better material and workmanship, and greater durability, the consumers would welcome their introduction if the price were satisfactory.

"A conservative estimate of the market for Chinese shoes worn by the common classes places the expenditure at \$3 (Mexican) per capita a year, while the amount expended by the better classes will vary from \$6 to \$20 (Mexican) annually. This will afford an idea of the immensity of the demand, but it is obviously impossible, without a comprehensive expert investigation, even to approximate the amount expended annually in China for foot wear.

## "MATERIALS IN NATIVE SHOES.

"The shoes worn by the natives are made with leather or cotton-cloth soles, above which is a layer of rags or paper or feathers, with cotton cloth next to the foot. The uppers are made of cotton sheetings or shirtings, Italian silks, satins, or velvets, dyed either black or blue. Women are employed to sew together the uppers, which are cut by the shoemaker. After that work has been completed the uppers are returned to the shoemaker, who attaches the sole, and the shoes are then ready for distribution through the native dealers. The best quality may be obtained at retail for \$1.40 (Mexican) a pair; medium quality, \$1.20 a pair; cheap quality, 80 cents a pair; coolly shoes, 50 cents a pair, and women's shoes, 70 cents a pair. The women's shoes are those worn by the so-called "reformed ladies," a class whose numbers are constantly increasing, because of emancipation from the cruel custom of binding the feet. These prices are subject to a reduction of 10 per cent when shoes are purchased at wholesale.

## "BOOTS FOR WINTER WEAR.

"In northern China shoes are also universally in use during the warm weather, but with the advent of winter it is the practice of the Chinese to wear what may be called the "Chinese boot." This is also made of cotton sheetings, shirtings, Italian silks, velvets, or satins, dyed either black or blue. The leg of the boot, which extends about halfway to the knee, is sufficiently large to hold the trousers. The boots have either a leather or a cotton-cloth sole, with a layer of paper, rags, or feathers above and cotton cloth next to the foot. A stiff but inexpensive material is used as a lining to hold the leg of the boot in an upright position, and on the outside is the covering of velvet or cotton cloth, as the case may be. The retail prices of these boots vary, according to the material used, but run from approximately \$1.25 to \$2.50 (Mexican) a pair. Machinery could be utilized in cutting out the material for boots quite as easily as for shoes.

## "PROSPECTIVE MARKET.

"It seems capable of demonstration that an enormous market will eventually be developed for what may be termed "army boots." These boots are cut on the same pattern as those for ordinary wear, but are made mostly of leather. The soles consist of two pieces of thin leather with a third piece inserted at the heel to give a spring while walking. Above this is a layer of rags or paper, and cotton cloth is placed next to the foot. Smooth, well-tanned leather, presumably imported, is used, and like all other footwear worn by the natives of China, these boots are hand made. The retail price is \$3.50 (Mexican) a pair, but a reduction is made when wholesale orders are placed.

"In the recent army maneuvers near Tientsin it was estimated that there were 60,000 Chinese troops in the field. This was regarded as the nucleus of a standing army which the Empire purposes to maintain in the future. The size of this army it is obviously impossible

even approximately to estimate, but it may be safely assumed that it will be sufficiently large to make a calculation as to the minimum number of pairs of boots that will be required and the amount that will be expended therefor annually both interesting and instructive to American manufacturers.

## "ADVANTAGE OF EARLY OCCUPATION.

"The importance of an immediate investigation of this market by an expert can not be too strongly emphasized. If his knowledge of the cost of production, transportation, handling, and incidental expenses convinces him that boots and shoes, similar in all respects to those now used in China, could be laid down there at a price comparing favorably with that now paid, no time should be lost in introducing them. It may be set down as an incontrovertible fact that in the opening up of a market in China for new goods of whatever description of foreign manufacture, the first "chop" or trade-mark in the field meeting the tastes, the requirements, the whims, the prejudices, and the purchasing power of the natives will become so firmly established and so popular that subsequent attempts to dislodge it by competing nations will be a long, tedious, and, in all probability, an unsuccessful task.

"The feasibility of the introduction of American-made boots and shoes of Chinese patterns for Chinese wear was freely admitted by the business men of the Empire, irrespective of nationality, and they found it difficult to comprehend why experts had not already made a more thorough investigation of the conditions, with a view to taking advantage of this enormous and constantly expanding market."

## UNITED STATES COMPARED WITH GREAT BRITAIN IN EXPORT OF SHOES.

Surely, then, the provisions of the Dingley tariff have not retarded our export trade in cattle or the products of cattle or the manufactures from these products. Why, Mr. President, Great Britain has had free trade all these years and cheap labor, and yet, though twelve years ago she exported more than twelve times the boots and shoes we did, we have caught and passed her in this, as in about everything else. *We have, under dutiable hides, become the leading exporters of boots and shoes, in spite of the fact that the average price per pair is \$1.52, as against 95 cents for those exported from Great Britain, and about all of this difference goes to the American workman.*

## A TENFOLD INCREASE.

But the great increase in exports of leather, and particularly in boots and shoes, does not compare with the increase in output for domestic consumption. This is shown in the product of the manufactories of Massachusetts, where the increase of value of shoes made was \$70,271,966 in 1905, as compared with 1895 when the increase over 1885 was only \$7,405,548. *A tenfold increase does not look as if the Massachusetts shoe markets were being injured by a small duty on a portion of their material.* Dun's Review of the last week in January said:

Products for fall are also ordered freely, notably in the foot-wear industry, and shipments of boots and shoes from Boston for the month thus far eclipse all previous records, which is especially significant when viewed in the light of the rapid growth of the industry in other sections.

## BOOTS AND SHOES FROM PROTECTED HIDES MAKE MASSACHUSETTS RICH.

No wonder that Governor Guild and the Boston papers can boast of the great prosperity of Boston and vicinity. Here is a recent extract from the Boston Globe:

Boston is the center of the wealthiest and best purchasing community in the country without any exception whatever.

In the purchasing ability of the average person Boston is far ahead of all according to the national census.

Per capita wealth of the people of Boston, \$1,042; New York, \$1,337; Philadelphia, \$1,127; Chicago, \$1,016; St. Louis, \$918.

One-twentieth of the wealth of the United States is within 50 miles of Boston.

One-fifth of the savings of the people of the United States is in the Massachusetts savings and cooperative banks to the credit of Massachusetts depositors.

## GOVERNOR GUILD ON MASSACHUSETTS PROSPERITY.

Governor Guild said in his annual address to the legislature of Massachusetts last January:

Massachusetts, fourth from the foot in area, is seventh from the top in population, fourth from the top in the annual value of her manufactures, and third from the top in the annual amount paid in wages. Measured by assessed valuation of the property in her borders, Massachusetts is exceeded by but two States. Fourth from the foot in area, Massachusetts is third from the top in wealth.

The annual value of the manufactured products of Massachusetts increased by but \$175,173,033 between 1885 and 1895. It increased by \$300,267,558 between 1895 and 1905. The total value of goods made in Massachusetts was \$1,150,074,860 in 1905.

On October 31 the total amount on deposit in our savings banks was, in 1885, \$274,998,412; in 1895, \$438,269,861, and in 1905, \$662,808,312. The increase in the last decade was greater by over \$58,000,000 than in the decade that preceded it. In 1885 the average deposit for each person of population was \$141.64; in 1895, \$175.69, and in 1905, \$220.67. The gain in deposits per capita in the last decade was greater by nearly one-third than the gain in the preceding decade.

We do not envy Massachusetts her great prosperity. We all rejoice in it, but we do not propose to have her gain still greater prosperity at the expense of her western customers. Not that I think her 75,000 leather and shoe workers would get any more wages if we had free hides; not a cent; nor would we have

cheaper shoes. Neither higher wages nor cheaper shoes are promised by the manufacturers, but they would like to put the amount of the duty in their own pockets. It amounts to at most only from about 2 to 4 cents on a pair of shoes, but it amounts to nothing at all except to the limited extent to which foreign hides are used in shoes for domestic trade.

A CHALLENGE.

I boldly challenge anyone to show to the public any date or time when the retail prices of boots and shoes changed even one penny because of free hides or tariff on hides. Prices to the consumer—the wearer—have never changed an iota on account of this infinitesimal difference in cost of manufacturing.

NOBODY ASKS REPEAL OF TARIFF ON SHOES.

Again, I say that the farmers and cattle growers who buy millions of protected shoes will not consent to a repeal of the duty on shoes, and this they do not ask.

It seems that a few manufacturers pretend to be willing to have the duty on boots and shoes abolished. I do not say they are insincere in this proposition, but I do say they are safe in making it, for the duty on boots and shoes will neither be abolished nor reduced, and they know it.

And right here, Mr. President, I want to quote a petition of the Massachusetts Board of Trade, inspired, no doubt, by the National Boot and Shoe Manufacturers' Association and the National Shoe Wholesalers' Association. It is as follows:

Whereas the revenue bill of July 24, 1897, created a tax of 15 per cent ad valorem on imported hides; and

Whereas after more than seven years' experience it appears that the operation of said tax is of no general benefit, but, on the contrary, works a specific and decided injury to a great industry, and that a large number of manufacturers, merchants, and workmen are adversely affected by the operation of this tax; and

Whereas it does not appear that any considerable body of persons of any class are benefited thereby, but, on the other hand, that the removal of the present tax thereon would not be effective in producing a reduction in the cost to consumers of all shoes made from leathers, especially on heavy staple shoes worn by farmers and laborers:

Therefore we, the Massachusetts Board of Trade, respectfully petition and pray that your honorable bodies will take such action at the present session of Congress as will bring about the repeal of said tax of 15 per cent ad valorem on hides imported into this country.

HIDES WORTH ABSOLUTELY NOTHING ON RANGE.

Mr. President, those statements are misleading, if not false. I think it will be found on examination that the farmers and ranchmen who have cattle to sell make up a very "considerable body of persons." And, furthermore, it has been of vital benefit to them—the tariff on hides. To illustrate: With free hides, during the three or four awful years—the result of the Wilson-Gorman tariff on general business—cattle hides on the ranges of Western States, such as Wyoming, were not worth the taking off. In killing beef the hides had necessarily to come off, but even then they were thrown aside and never shipped, because the railroad freight charges alone amounted to more than the hides would fetch in market, and so they were thrown aside by the thousands and rotted where thrown; whereas now, in these same States, with railroad charges equally as high, each hide brings several dollars and adds just that much to the worth of every head of cattle.

DUTY ON HIDES A GENERAL BENEFIT.

The duty on hides has been of general benefit and of injury to no one. Neither manufacturers, merchants, nor workingmen have been affected adversely by the operation of the duty; on the contrary, all have been benefited through increased employment, increased wages, and increased sales, while the cattle grower has certainly benefited by a larger sale of his product at profitable prices. I do not deny that the duty increased the price of hides somewhat, but the increased value is of slight moment in the cost of each pair of shoes, but is of much concern as to each cattle hide. The demand for leather has increased the price the world over, but the increased value, while of benefit to the producer—that is, the cattle grower—has not made shoes any dearer. A greatly increased demand, coupled with competition among manufacturers to produce a pair of shoes at the lowest possible price, and to produce the best possible shoe at the price, has resulted in an enormous increase in the output of shoes. The greater the output, the lower the cost of production. No one will deny that it costs far less per pair to turn out 100,000,000 pairs of shoes than 50,000,000 pairs.

FOREIGN CHEAP LABOR WOULD INJURE US.

But suppose we had free hides and free shoes, and what would be the result? We should soon have millions of pairs of cheap shoes dumped on our market. The material being the same, the foreign manufacturer with his low-priced labor—a labor costing one-half or one-third of ours—could close our fac-

ories or else compel our laborers to work for starvation wages. That would be the alternative, Mr. President. The purchasing power of the 200,000 persons now making shoes would be cut in half or disappear altogether, and so much of our home market would be lost to the farmer and other manufacturers. We have had just such experiences, and it is far from guesswork. But I do not apprehend any reduction in the duty on boots and shoes. The shoe manufacturers and workmen of Massachusetts and other States will continue to prosper, and I appeal to them to cease their agitation against the prosperity of 6,000,000 growers of cattle whose market is more stable, more secure, more profitable, because of the equitable and compensating duty on their product. The hide is a valuable part of the animal.

It is useless to assert that the duty is not a benefit to the grower of cattle. You may call it a by-product if you will, but it is also a by-product of the foreign cattle grower, and free importation means a depression of the home market. Our cattle growers do not ask for an extortionate price for their product, but they do ask for a profitable price and for such protection as will enable them to pay the prevailing high prices for feed and labor and get an adequate return for their investment and work.

LEATHER-MANUFACTURING INDUSTRY GROWING.

The following comparative summary of the years 1905 and 1900 of the statistics of leather manufacturers, compiled by the Census Bureau, does not show any retrogression in the leather-manufacturing industry:

PRELIMINARY SUMMARY.

[Bureau of the Census, May 5, 1906.]

The Director of the Census announced to-day the result of the tabulation of the statistics of leather, tanned, curried, and finished, for the calendar year 1904, forming a part of the census of manufactures of 1905, taken in conformity with the act of Congress of March 6, 1902. The figures indicate that there has been a substantial increase in the leather industry in the United States, as compared with the statistics of 1900, which covered the fiscal year ending May 31.

Comparative figures for 1905 and 1900 are shown in the following summary:

Leather industry.	1905.	1900.	Per cent of increase.
Number of establishments .....	1,049	1,306	19.7
Capital.....	\$242,584,214	\$173,977,421	39.4
Salaries officials, clerks, etc.:			
Number.....	8,251	2,442	33.1
Salaries.....	\$4,451,906	\$3,158,842	40.9
Wage-earners—			
Average number.....	57,240	52,109	9.8
Wages.....	\$27,049,152	\$22,591,061	19.7
Miscellaneous expenses.....	\$12,496,501	\$7,023,416	77.9
Materials used:			
Aggregate cost.....	\$191,179,198	\$155,000,004	23.3
Hides and skins.....	\$149,787,925	\$123,545,969	21.2
Tanning and currying materials.....	\$35,369,835	\$27,471,514	28.8
All other materials.....	\$6,021,438	\$3,982,521	51.2
Number of hides and skins tanned:			
Hides, all kinds.....	17,581,613	15,838,862	11.0
Calf and kip skins.....	12,481,221	8,944,454	39.5
Goat skins.....	50,665,603	48,046,897	5.5
Sheep skins.....	27,492,359	24,507,642	12.2
All other skins.....	3,645,881	2,371,498	53.7
Value of products.....	\$252,620,986	\$204,038,127	23.8

\* Decrease.

A VIVID CONTRAST.

In vivid contrast with the prosperity which prevails in this industry in the United States is the depression in other countries. As an instance, I present a copy of the Daily Consular and Trade Report for Saturday, June 23, 1906, which contains the following:

LEATHER TRADE DEPRESSION—MANY GERMAN ESTABLISHMENTS IN FINANCIAL STRAITS.

Consul W. C. Hamm, of Hull, furnishes the following interesting account of the depression in the German leather trades. It was printed in an English paper from a special correspondent, and says, in part:

"For a series of years the German leather industry has been experiencing a trying time. Complaints of unremunerative business are now more general than ever. During the last three years the reports and balance sheets of most of the leather companies have disclosed a serious reduction of profits, while many weaker concerns, unable to stand the strain, have disappeared. Last year's financial declarations told a depressing tale. For example, a number of companies, with one-fourth to one-half million dollars capital, showed deficits of \$10,000 to \$337,000. Three leather works went into liquidation, four made arrangements with their creditors, two reduced their capital, one lost the whole share capital and disposed of its works, while another at Berlin was compelled to raise \$412,500 new preference capital in order to liquidate its bank overdraft. A Mainz concern has not paid a dividend for nine years, and so on.

REASONS FOR TRADE DIFFICULTIES.

"Some of the causes are indicated in the reports of the companies affected. The most general is the high price of hides and skins and

the inability of leather manufacturers to obtain for the finished product prices commensurate with the advance in the cost of raw material. 'Through the high price of calf skins,' says one company, 'there was hardly any profit, especially on black leathers,' while another reports that its losses are due to 'high prices of skins.' In 1902 this latter firm made a loss of \$11,210, in 1903 one of over \$75,000, and in 1904 of \$2,240, in consequence of which it was compelled in 1905 to cancel part of its capital. A Dresden concern reports that 'from America, England, Japan, etc., practically no hides are coming to the German market.' To remedy or alleviate some of the effects of this shortage in the supply of hides and skins an attempt has been made to form a cartel representing four-fifths of the German tanning works, but it proved futile owing to the conflict of interests between the great companies and the weaker concerns."

AN INDEPENDENT-DEMOCRATIC OPINION.

On this question of free hides, I would call attention to two recent editorials in the Washington Post, an independent newspaper with general Democratic proclivities. One of these, headed "Wants free trade in what she would buy and protection in what she would sell," is as follows:

The committee on Federal relations of the Massachusetts legislature is anxious for somebody to tinker with the tariff and bring about a mild sort of tariff reform. The persistent agitation of this subject in Massachusetts serves to vindicate the late General Hancock, who considered the tariff a local question, and for that everybody laughed at him. Massachusetts longs for free raw materials, but will not surrender protection for finished products. Thus she would have Ohio, Texas, Wyoming, and Montana furnish her looms with free wool, and she would furnish those States protected woolsens. At least that was what Massachusetts was after when the Hon. Roger Q. Mills invaded, overran, occupied, and subjugated "the enemies' country" in 1890, when Massachusetts sent a small majority of free traders to Congress, and New England, en gros, sent a large majority of that faith to speak for her in the national councils.

And it was in response to Democratic majorities in New England that Mr. Springer brought his "popgun" tariff bills putting such "raw materials" as wool, hides, coal, and iron ore on the free list. No doubt it would be a great thing for New England if the standpatters would only resurrect the "popgun" bills, enact them into law, and then cease tariff tinkering forever. But the standpatters do not intend to do any such thing. They say that Ohio and Texas are as much entitled to free woolsens as Massachusetts is to free wool, and there is force in it, as there is in the declaration that comes from Iowa and Kansas that free hides mean free shoes. It is true that the beef trust reaps nearly all the protection that is given to hides; but certain Republican statesmen have so persistently asseverated that it is for the benefit of the farmer and rancher that all Iowa, Kansas, Texas, and the entire agricultural world of the great West and Southwest are convinced that they make money by the tariff on hides; and Massachusetts may as well make up her mind that as long as there is a duty on shoes there will be a duty on hides. Massachusetts can not eat her cake and have it. No other community has profited by the operation of the protective principle than she, and the now dominant West is not going to permit Massachusetts to eat all the sunny side of the peach and leave the shady side for the Mississippi Valley. What a harvest it would be for Massachusetts—free trade in what she would buy and protection for what she would sell! That is not the square deal. Nor is it a square deal for Massachusetts to have free salt with which to cure her fish, while Kansas must put up with protected salt with which to save her bacon; but that is what is going on.

Another editorial article from the Washington Post, headed "Taxed or free hides," reads:

Massachusetts will be in a process of eruption until she gets a free-trade market in which to buy and retains a protected market in which to sell. That is what Massachusetts is clamoring for, and that is what Massachusetts is not going to get. Her business is to turn raw materials into finished products, and she demands free raw materials and protection for her finished goods. It looks as though there is a streak of yellow up there somewhere.

The great grievance is hides. Let us examine the figures on hides. According to the latest publication on the subject, we imported, the fiscal year 1904, hides amounting to 186,365,478 pounds, valued at \$41,885,577, on which no duty was levied—they were free. In addition, there were imported that year 131,705,012 pounds of hides, valued at \$16,116,392, on which duties were paid to the amount of \$2,417,458, or a beggarly 15 per cent.

That is what the tariff on hides costs Massachusetts for revenues, assuming that she uses all the imported hides on which a tariff is levied, which she doesn't by a long sight.

What does Massachusetts make out of the tariff on her finished products of leather goods? Boots and shoes are protected to the amount of 25 per cent; gloves receive 53 per cent as a protection against the pauper gloves of France and Germany. Harness and saddlery get 45 per cent protection; shoestrings are protected to the amount of 50 per cent. All other manufactures of leather are protected by a duty of 35 per cent, except importations from Cuba under the reciprocity convention, and Cuba sent us not a shred for the year 1904.

Then, what is Massachusetts kicking about? She has by far the best of the bargain. The protection accorded her is two or three times the revenues exacted of her. Old England has been regarded as considerable of a hog in commercial matters since Edward III hanged those of his subjects he caught exporting raw materials. That was centuries ago and long before Christopher Columbus was born; but the England of the present and the past threescore years has been content to forego protection, or even revenue duties, on finished products in consideration of free raw materials.

Massachusetts might as well understand that she is not going to get the sunny side of all the peaches. Before she gets free hides New Jersey, Pennsylvania, West Virginia, Ohio, Iowa, Kansas, and Nebraska must consent. According to Proctor Knott, a certain dog that Lige Hankston passed judgment on was guilty of "barking up a tree there was nothing in."

That is what Massachusetts is doing in the hide line, and if she doesn't believe it, let her make an appointment for Leslie M. Shaw in Faneuil Hall. He will mighty quick tell her what the tariff on hides is for.

From the Statistical Abstract of the United States for 1905 I present the following:

IMPORTS, HIDES, DUTIABLE.		
Year.	Quantity.	Total value.
1898	126,243,585	\$13,624,989
1899	130,306,020	13,621,946
1900	163,865,165	19,408,217
1901	129,174,624	14,647,413
1902	148,627,907	17,474,039
1903	131,640,325	16,159,902
1904	85,370,168	10,989,075
1905	113,177,357	14,949,628

IMPORTS, HIDES, FREE.		
Year.	Quantity.	Total value.
1898	54,607,534	7,667,342
1899	66,965,785	9,877,771
1900	100,070,795	16,539,807
1901	77,889,617	12,905,567
1902	89,457,680	15,054,400
1903	102,340,303	16,942,982
1904	103,024,752	17,045,504
1905	126,893,934	22,868,797

IMPORTS OF FREE HIDES INCREASE MUCH—IMPORTS OF DUTIABLE HIDES INCREASE BUT LITTLE.

From this table it will be seen that the decision of the board of appraisers to the effect that hides must weigh more than 12 pounds flint dry has had a peculiar effect, namely, that beginning with 1898 the importation of free hides, amounting to less than \$8,000,000 in value, has increased in 1905 to \$22,869,000. It will also be noted that the importation of dutiable hides paying 15 per cent ad valorem has increased but little. On the basis of the importation for 1905, the total amount of duties collected on hides amounted to only \$2,242,444, and this does not include the rebates paid to manufacturers using foreign hides. It should be remembered that only hides of cattle bear a duty and that a hide is not a hide unless it weighs more than 12 pounds flint dry.

THE SHOE MANUFACTURER GETS HIS REBATE.

Why, Mr. President, we are importing 40,000,000 hides a year free of duty, and only a small portion of the shoe manufacturers' material is "taxed," as he chooses to term it. This fact makes his demand for free cattle hides the more selfish and unjust, and I do not believe his contention will be sustained by the people when they understand fully how well the manufacturer is protected and how freely he may import his material, for it must be constantly borne in mind that the duty on imported hides entering into shoes for export is wholly rebated and can not be the least burden for this trade.

THE FARMER THE GREAT CONSUMER OF LEATHER.

Then, too, there are other things besides boots and shoes to be considered. The farmers are the largest purchasers of leather products—of saddles and harness, trunks, purses, bags, etc. Our total leather product was valued at over \$200,000,000 in 1900, and the total value of hides was far in excess of \$100,000,000.

It does not take long to make a pair of shoes or a harness or a saddle or any finished leather product. It takes three years to raise and market a steer. Three years of time and attention and labor added to cost of feeding. Should not the grower then have some protection? Cattle growers abroad do not utilize the by-products as we do. Foreign shipments are large from non-madic countries, and many place an export duty on hides, which duty we must pay. Had we not better pay it to our own producers and give them the encouragement and protection they so well deserve?

The development of the industry which uses as its raw material our farm animals has been so phenomenal during the past half century that it is to me incomprehensible that anyone would want to check it in the least. During the fifty years from 1850 to 1900 the price paid for the material used in the industry I have considered increased from \$9,450,000 to \$683,580,000, a seventy-five fold increase.

THE FARMER IS PROTECTED LESS THAN OTHERS.

In considering this question of free hides from the standpoint of protectionism—and that, I frankly confess, is my standpoint—it is essential to inquire, first, is the present reasonable duty on hides of benefit to the stock grower? Second, do the farmers of the United States derive the benefit from the retention of that duty? Both of these questions must be answered in the affirmative. It has already been shown that the value to the farmer of every beef hide he produces is increased by the tariff. It must then appear that this duty is valuable to the farmer and would be reluctantly relinquished by the farmer.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New Hampshire?

Mr. WARREN. Certainly.

Mr. GALLINGER. I am attracted by the remark the Senator has just made that the duty on hides benefits the farmer, the cattle raiser. I contended for a good many years that that was true, but there are people in my section of the country who insist that the duty goes absolutely to the beef packers and to those who handle the cattle after they have left the ranges and the farms. If I understand the Senator correctly, speaking with expert knowledge, he says that the farmer does benefit because of that protection?

Mr. WARREN. The stock raisers and farmers do benefit very directly by the duty on hides. I will call attention to one condition I know of which will answer that question. For a few years preceding the time when the duty was put upon hides cattle raisers in certain States in the interior, like, for instance, the State of Wyoming, could not get enough for cattle hides to pay the shipping expenses alone from the ranches to market, and business concerns in which I happened to have some interest at the time never shipped a hide for many months. The hides from cattle killed for home consumption were taken off and thrown away, because the freight to market amounted to more than the total sum we would receive for the hides. In fact, the junk piles around the ranches, and even the prairies, were strewn for a long season with these valueless hides.

Since that time the price of hides to the farmer has ranged all the way, net, from, perhaps, \$1 to \$8 apiece. I do not say that the entire increase is due to the duty. Some part of it is no doubt due to changes in business. But I do say when we had no duty hides in our country for a good space of time were worth absolutely nothing, and ever since the imposition of the tariff on hides they have been a valuable and quick asset.

#### PERMANENCY OF TARIFF RESTS WITH THE FARMER.

The permanency of protection as a national policy rests largely with the American farmer. When he arrives at the conviction that protection is being withheld from him in order that the profits of manufacturers may be swelled, then the end of protection will swiftly come.

Mr. President, our tariff laws when framed by protectionists have never been made to favor one State, one section of the country, or one industry. They never will be. We are all so interdependent that an injury to one industry or to one part of the country is an injury to all, and a benefit to one is a benefit to all. Under a universal protective tariff our freight cars are loaded going both ways—from East to West, from West to East; from North to South, from South to North. The farmer is prosperous, as is the manufacturer, and employee of both. A protective tariff is a compensating tariff and always must be, else it would not give protection at all, and unless it is given to all, it is given fully to none. Protection can not be sectional and selfish. It must be general and adequate. Such protection is now in force under the operation of the present law. It is the most perfect law we have known. We shall, as a matter of course, have to revise it some time, but not to-day. We are too busy, too well employed, too well paid for our labor, too prosperous to think seriously of tariff revision in the year of our Lord 1906.

The VICE-PRESIDENT. The Chair will refer the resolution submitted by the Senator from Wyoming to the Committee on Finance.

Mr. WARREN. It has been suggested that it should go to the Committee on the Census, and that is agreeable to me.

The VICE-PRESIDENT. The resolution will be so referred.

#### HOUSE BILLS REFERRED.

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I., was read twice by its title, and referred to the Committee on Printing.

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands was read twice by its title, and referred to the Committee on Naval Affairs.

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric-light and power plant was read twice by its title, and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 20175. An act to authorize the Missouri Central Rail-

road Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri; and

H. R. 20290. An act to amend the river and harbor act of March 3, 1905.

#### LICENSED OFFICERS OF VESSELS.

Mr. GALLINGER. I ask that the amendments of the House to Senate bill 6355 may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6355), concerning licensed officers of vessels, which were, on page 1, line 9, to strike out "and chief mates," and on the same page, in line 13, after the word "engineer," to insert "in charge of a watch."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

#### JAMES N. ROBINSON AND SALLIE B. M'COMB.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HEMENWAY. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. FULTON, Mr. HEMENWAY, and Mr. MARTIN.

#### BUREAU OF IMMIGRATION AND NATURALIZATION.

Mr. DILLINGHAM. I ask unanimous consent for the present consideration of the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

The VICE-PRESIDENT. The Senator from Vermont asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. MALLORY. I should like to hear the bill read.

The VICE-PRESIDENT. It will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MALLORY. Mr. President, I wish to ask a question or two for my own information. I understand from the first section of the bill that all aliens will have to be registered in this new bureau.

Mr. DILLINGHAM. That is true, Mr. President. As they leave the ship a record is to be made of the personal description of the aliens and a certificate is given them, and a copy of that is sent to the Department.

Mr. MALLORY. That is, without reference to whether they expect to remain here or not, I understand.

Mr. DILLINGHAM. That is to be done in every case.

Mr. MALLORY. Now, on another point, I should like to inquire of the Senator why it is that Porto Rico and the Philippine Islands are not included in the provision regarding the jurisdiction of the courts in those islands, giving them, as is the case in some of our Territories, the power to naturalize aliens? Why is it that the United States court in Porto Rico, for instance, is not authorized to naturalize an alien in Porto Rico?

Mr. DILLINGHAM. I am informed that in the House this subject was studied very carefully and that that omission was made because they were not entirely clear in regard to the status of the inhabitants of those districts, under the decisions of the courts. I understand that the Senator from Ohio [Mr. FORAKER] has some amendments which he proposes to offer to the bill.

Mr. FORAKER. I offer an amendment to the bill, to be attached to it as an additional section, which has special reference to Porto Rico and the Philippine Islands. It is a provision that passed the Senate by a unanimous vote—that is, it passed without any opposition, it is perhaps more proper to state—in the Fifty-eighth Congress. I send it to the desk and ask that it may be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read the amendment proposed by the Senator from Ohio.

The SECRETARY. Insert the following as a new section:

That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

Mr. MALLORY. If it is the purpose of the Senator from Ohio to enable the residents of Porto Rico and the Philippines to be made citizens of the United States, the object will not be accomplished by that amendment. I do not know that that is the purpose.

Mr. FORAKER. It is not, unless they come to the United States and become citizens of the United States.

Mr. MALLORY. Unless they come to the United States?

Mr. FORAKER. There is another bill pending before the Senate which does provide that the citizens of Porto Rico shall be citizens of the United States, but that bill, although favorably reported from the committee, is on the Calendar and has not been considered by the Senate, and it would be impossible, I am sure, to get favorable action upon it at this session.

In view of that fact I offer this amendment, which simply provides that when a Porto Rican comes to the United States he may stand equally as favorably before the naturalization laws of the United States as the Spaniard or any other alien, and may become a citizen of the United States. The thing that stands in his way now is that he has no allegiance to any foreign potentate or power to renounce, and this simply opens to him a way to become a citizen if he comes here.

Now, answering the Senator's further suggestion, I thought of offering an amendment to insert the words, after "Alaska," at the bottom of page 2 of the last line, "and for Porto Rico," so that anyone in the island of Porto Rico who wanted to become a citizen of the United States who is an alien who would comply with the naturalization laws could do so there. But I imagine that would give rise to discussion, and I concluded not to do it for that reason.

Mr. MALLORY. It strikes me, if the Senator will permit me, that that is a very proper amendment and in line with his purpose. Unfortunately, the people of Porto Rico have no status at all. They are not citizens of anything except Porto Rico, and Porto Rico represents nothing. They can not become citizens of the United States.

It seems to me very proper that we should vest our Porto Rican court with jurisdiction to naturalize foreigners. The court in Porto Rico—I believe there is only one—is a court of equal dignity, and there is no risk to be run of any fraud or any impropriety, and it is just as well to allow that court to naturalize Porto Ricans and foreigners also.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LODGE. I hope the Senator from Wisconsin will allow the unfinished business to be laid aside for a few minutes. I think this naturalization bill will pass in a very few moments. It is a measure of great importance; it has been most carefully studied in both Houses; and I think it would be a great misfortune if we could not dispose of it at this time. I ask that the unfinished business be laid aside for ten minutes.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the unfinished business may be laid aside for ten minutes. Is there objection? The Chair hears none.

Mr. MALLORY. I hope the Senator from Ohio will offer that amendment and also make it applicable to the courts of the Philippine Islands. The people are in the same miserable condition there.

Mr. FORAKER. I am sure that would give rise to debate. I am not only sure of it, but I am assured of it.

Mr. SPOONER. It will.

Mr. FORAKER. In view of that fact, and in view of the fact that the question of making the citizens of Porto Rico citizens of the United States will necessarily come before the Senate when the other bill is brought up for consideration, I would rather not precipitate that question now.

Mr. SPOONER. Does the Senator propose to bring up that bill at this session?

Mr. FORAKER. No, sir; not at this session. I stated a

moment ago that I know it would be useless to do so at this session, but at the next session I shall insist—unless, perhaps, I find it useless to do so—upon the consideration of the question whether or not we shall give them the status as citizens of the United States. Meanwhile this would remedy the difficulty as to all Porto Ricans who come to reside in the United States, and put them on as good a plane, and no better, than aliens are on. I think we ought to do that. This will go through without any objection, and it will be very helpful. I would rather not press the other at this time.

Mr. MALLORY. I shall offer the amendment suggested by the Senator from Ohio, that the court of Porto Rico be permitted to have jurisdiction. I will not go so far as to include the courts of the Philippine Islands.

Mr. FORAKER. Then will the Senator offer that after the pending amendment has been acted upon?

Mr. MALLORY. I will wait.

Mr. GALLINGER. I wish to ask the Senator from Vermont a question. I did not, perhaps, listen as attentively to the bill when it was read as I ought to have done, but in response to a question propounded by the Senator from Florida [Mr. MALLORY] I understood the Senator from Vermont to say that all aliens entering the United States would be required to register, or their names would be placed in a book and a certificate would be sent to the Department at Washington. Am I correct?

Mr. DILLINGHAM. That is substantially correct.

Mr. GALLINGER. Does that apply to tourists?

Mr. DILLINGHAM. Only to immigrants.

Mr. GALLINGER. Simply immigrants?

Mr. DILLINGHAM. Simply alien immigrants who come here.

Mr. LODGE. Upon their arrival in this country.

Mr. SUTHERLAND. I desire to ask a question of the Senator in charge of the bill.

Mr. FORAKER. I should like to have the amendment I offered disposed of before anything else is taken up.

The VICE-PRESIDENT. There is a committee amendment which would come first in order.

Mr. LODGE. The committee amendment is withdrawn.

The VICE-PRESIDENT. The committee amendment is withdrawn.

Mr. FORAKER. I understand the Senator from Vermont, who has the bill in charge, to say that he is willing to accept the amendment I offer.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. SUTHERLAND. I desire to ask the Senator from Vermont in reference to the provision on page 5, regarding the petition to be filed. The alien is required to state, among other things, that he is not "a polygamist or believer in polygamy." I wish to ask the Senator whether it was the intention by that to provide that a person who entertains a mere belief in polygamy may be excluded from naturalization, or whether it was intended to apply to one who is violating the law and who believes in the practice of polygamy as distinguished from the mere abstract belief?

Mr. DILLINGHAM. I do not know what was in the mind of the House when they passed the bill. My own thought is that which is expressed in the immigration bill, that it means a believer in the practice of polygamy.

Mr. SUTHERLAND. I think that provision should be in the bill, but I think in its present form it is going too far. I therefore move to amend the bill on page 5, line 12, by inserting after the words "believer in" the words "the practice of;" so as to read: "a polygamist or believer in the practice of polygamy."

Mr. DILLINGHAM. The amendment is accepted.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 5, line 12, before the word "polygamy," insert the words "the practice of."

The amendment was agreed to.

Mr. SUTHERLAND. The same amendment should be made on page 23, line 10, after the word "in."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, line 10, before the word "polygamy," insert "the practice of;" so as to read: "nor a believer in the practice of polygamy."

The amendment was agreed to.

Mr. SUTHERLAND. On page 24, line 21, after the word "in," I move the same amendment.

The SECRETARY. On page 24, line 21, before the word "polygamy," insert the words "the practice of;" so as to read: "nor a believer in the practice of polygamy."

The amendment was agreed to.

Mr. MALLORY. I offer an amendment at the bottom of page 2, in the last line. I move to strike out the word "and" before "Alaska," and to insert the words "and Porto Rico" after "Alaska;" so as to read: "Hawaii, Alaska, and Porto Rico."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 25, before the word "Alaska," strike out the word "and," and after "Alaska" insert the words "and Porto Rico."

Mr. SPOONER. How would it read then?

The VICE-PRESIDENT. The Secretary will state.

The SECRETARY. It would then read:

United States circuit and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, Alaska, and Porto Rico, the supreme court of the District of Columbia, and the United States courts for the Indian Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### MISSISSIPPI RIVER IMPROVEMENT.

The joint resolution (H. J. Res. 179) providing for the improvement of a certain portion of the Mississippi River, was read the first time by its title.

Mr. HOPKINS. A joint resolution to the same effect was passed by the Senate yesterday. I ask that that joint resolution be recalled from the House, and that this joint resolution be put upon its passage.

The VICE-PRESIDENT. Without objection, the joint resolution which passed the Senate, referred to by the Senator from Illinois, will be recalled from the House of Representatives. The Senator from Illinois asks for the present consideration of the House joint resolution, which will be read.

The joint resolution was read the second time at length, as follows:

*Resolved, etc.,* That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend any portion of the balance now remaining to the credit of the improvement for the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River, for the repair or completion of improvements already under way, or for the construction of other works, in accordance with general plans already made or approved: *Provided,* That such expenditures shall only be made for improvements which shall be useful for purposes of navigation.

Mr. LA FOLLETTE. Senate bill 5133, which is the unfinished business, was laid aside for ten minutes, and that time has expired.

The VICE-PRESIDENT. The Senator from Wisconsin objects.

Mr. HOPKINS. One moment.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

Mr. HOPKINS. The joint resolution will take no time at all. It is the same as the joint resolution which was passed by the Senate yesterday.

Mr. LA FOLLETTE. I will ask unanimous consent that the unfinished business be laid aside until fifteen minutes past 1.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Wisconsin? The Chair hears none. The unfinished business will be laid aside until fifteen minutes past 1. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HOPKINS. I move that the joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River, be recalled from the House of Representatives, and I enter a motion to reconsider the vote by which it was passed.

The motion was agreed to.

The VICE-PRESIDENT. The motion to reconsider the vote by which Senate joint resolution 70 was passed will be entered.

#### HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. FORAKER (at 1 o'clock and 12 minutes). What is the delay, Mr. President?

The VICE-PRESIDENT. The unfinished business, at the request of the Senator from Wisconsin, was laid aside until a quarter after 1.

Mr. FORAKER. I ask unanimous consent that the unfinished business may be taken up now.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. GALLINGER. I have not had the time, Mr. President, because of the multifarious duties that have been thrust upon me, to give very great consideration to the pending bill, but the examination that I have made of it leads me to believe that it is an unnecessary, if not a pernicious, measure. For that reason I shall take occasion to express my opposition to it and will probably cast by vote against it when it is submitted to the Senate for its decision.

I was somewhat surprised this morning to see in a Washington newspaper that a filibuster had been conducted yesterday against the bill. I was here and was not aware of the fact that a filibuster was in progress. Perhaps I would not know a filibuster when I saw it, for the reason that during my twenty years of public life I have never been a party to a filibuster.

I have been here from the first day of the session, unpaired, and have voted, I think with two exceptions, on every roll call that has been had in the Senate during the session; and I have never believed that it was a dignified or a proper thing for the Senate to conduct a filibuster on a bill of this character. There may be occasions when some great question is pending upon which parties are sharply divided, a question the determination of which one party in this body might feel would be detrimental to the best interests of the country, when factious opposition might be justified, but I do not think this bill belongs to that class. For that reason I certainly shall not be a party to any filibuster against it, if any shall be attempted, and I will say that I do not believe there is any such purpose in the mind of anybody.

Mr. President, Judge Grosscup, of Chicago, who I think has never been charged with being unduly partial to corporations, in an address which he made a few days ago spoke of the agitation that was going on in the country against corporations as being an indiscriminate raid on corporations, if I remember his words; and I have sometimes been forced to feel that, however others may view the subject, there is in the minds of a considerable portion of the American people at present a disposition and a determination to make an indiscriminate raid on corporations, whether they are of one character or another. I certainly, if that be so, greatly deprecate that tendency and that feeling.

This bill proposes to regulate the hours that men shall labor on the railroads, particularly on the trains of railroads. I have been here a great many years trying to perform my duties as well as I can, Mr. President, and no single complaint ever came to me along this line. No suggestion, no letter, no protest, no petition has reached me saying that the men who are employed on our railroads were dissatisfied with the relations which exist between them and the managers and owners of those railroads. If any such complaint has arisen it certainly must have been in some other section of the country than that which I so poorly represent in this Chamber, but it seems to me that if it had arisen in any section of the country I would have absorbed some knowledge of it.

At present there is an amicable arrangement between railroad corporations and their employees in reference to the operation of trains on the great railroads of the country; and it seems to me, Mr. President, that we are treading on rather dangerous ground when we consider the fact that amicable arrangements do exist and that there is no ill feeling between the two parties—I say it seems to me that we are treading on rather dangerous ground when we put into law, or attempt to put into law, what is being properly arranged by mutual arrangement and mutual agreement. I do not apprehend that this legislation, if it shall be enacted, will have any effect whatever in the part of the country from which I come, but I have apprehensions, and very grave apprehensions, that, if it shall be enacted, it will have serious consequences on the great railroad systems of the western country, where there are such long stretches and where the matter of arranging the hours must be an extremely difficult and complex question.

On this subject, Mr. President, I ask to have read a letter from a railroad attorney—Mr. H. T. Newcomb, counsel for the Delaware and Hudson Company. He puts this question in a very illuminating way; and I think that some of the objections which Mr. Newcomb makes to this legislation, even though he be a railroad attorney, are worthy of the serious consideration of the Senate before the vote is cast on this important bill. I ask that the Secretary read the letter which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., May 9, 1906.

HON. WILLIAM P. HEPBURN,  
Chairman Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

DEAR SIR: Since appearing before your committee on behalf of the Delaware and Hudson Company, on May 4, 1906, with relation to the bills to limit the hours of service of railroad employees (H. R. 4438, H. R. 18676, H. R. 18671, and H. R. 18961), I have obtained from our operating officers certain information concerning the practical consequences which the proposed measure would have. It seems to me that it is desirable that this information should be before your committee, and I respectfully request that you will accept this letter as a part of my statement.

The great bulk of the traffic of the Delaware and Hudson Company originates either at Binghamton, N. Y., or Carbondale, Pa., and is carried either to Albany, Mechanicsville, or Mohawk, N. Y. Carbondale is the point at which the anthracite coal traffic of the company is gathered for transportation to delivering points, and Binghamton is the point of connection with the Delaware, Lackawanna and Western and Erie railways, which, together with the lines of the Delaware and Hudson and its eastern connections, form through routes for traffic originating in the West and destined to points in the State of New York and in New England. At Mohawk the Delaware and Hudson connects with the New York Central, at Albany with the Boston and Albany, and at Mechanicsville with the Boston and Maine. From Albany traffic is also distributed via the Hudson River. Oneonta is a division point on the main line of the Delaware and Hudson, 61 miles northeast of Binghamton and 94 miles northeast of Carbondale. It is 82 miles southwest of Albany, 71 miles southwest of Mohawk, and 87 miles southwest of Mechanicsville. The ordinary runs of train crews in the freight service are arranged with reference to these points. Crews from Binghamton to Oneonta, 61 miles, make the return trip immediately. The same is true from Oneonta to Albany, Oneonta to Mohawk, and Oneonta to Mechanicsville. The only run which is made in but one direction is that from Carbondale to Oneonta, 94 miles.

The train men employed by the Delaware and Hudson are, with very few exceptions, paid on the mileage basis, receiving 100 miles pay for a day's work, and being paid for 10 miles for every hour which they are on duty in excess of eleven hours.

The run from Carbondale to Oneonta, 94 miles, is, as I have said, the only one which is not commonly doubled within a day. On this run the men are obliged to lay off after running the 94 miles, which distance is often made in seven or eight hours, and commonly in from ten to eleven hours. The attitude of the men is fully shown by the fact that this is the least popular run on the road; preference on the part of train men is unanimous in favor of any of the other runs. This is because they feel that it is a hardship to be required to lay over away from home, not only on account of the extra expense to them which it involves, but because in other respects they are necessarily deprived of the comforts to which they are entitled during the hours that they do not devote to labor. Although this run is frequently made in from seven to eight hours, the enactment of H. R. 18671 would make it absolutely illegal to permit these men to start for their homes until they had had at least ten hours of idleness. This would practically require them, in order to obtain any proper rest whatever, to maintain adequate quarters for rest at both ends of the division. The men very much prefer to make the return run after a briefer interval of rest. It should be said that for this run of 94 miles the men are paid for 100 miles.

The "turn" run from Binghamton to Oneonta, 122 miles, is commonly made within sixteen hours. The other "turn" runs of the company require slightly more. The men are allowed seventeen hours and twenty-four minutes for the double run Oneonta to Albany and return, 164 miles; they are allowed fifteen hours and twelve minutes for the double run Oneonta to Mohawk and return, 142 miles, and they are allowed eighteen hours and twenty-four minutes for the double run Oneonta to Mechanicsville and return, 174 miles. The only way that these runs could so certainly be brought within a maximum of sixteen hours as to protect the company from danger of occasionally violating the terms of such a law as that proposed would be to make them all single runs. In other words, after running any of these distances the men would have to be required to take a ten hours' layoff, involving, as it would, putting them to the expense and discomfort of providing themselves with quarters in which to spend idle time away from their homes.

I have already in this letter called your attention to the fact that under its contracts with its employees this company pays for 100 miles for each day's labor—that is, on the 94-mile run from Carbondale to Oneonta there is an addition of constructive mileage for which the men are paid amounting to 6 miles. Now, if the other runs, which at present are doubled, were made single runs, each of them would have to be paid for as for 100 miles. Thus, to the 61 actual miles from Binghamton to Oneonta would be added 39 constructive miles, or 64 per cent; to the 82 actual miles from Oneonta to Albany would be added 18 constructive miles, or 22 per cent; to the 71 actual miles from Oneonta to Mohawk would be added 29 constructive miles, or 41 per cent, and to the 87 actual miles from Oneonta to Mechanicsville would be added 13 constructive miles, or 15 per cent. The labor expense of conducting the business of the company would be increased by these proportions. It is to be observed that while this would be the result to the company, the accompanying consequence to the employees now in its service would be a reduction of earnings, while at the same time they would be put to additional expense. For example, in another part of the system than that on which traffic is most dense, which has been discussed above, this company has a run from Albany to Whitehall, a distance of 80 miles, which is commonly doubled within the day. While under favorable conditions this can be done in sixteen hours, if the proposed law were adopted, this company, for its own protection, would be obliged to make it a single run. For the 160 miles, at present, an engineer receives \$6.56. If he were only permitted to run 80 miles, he would be paid for 100 miles, but would only receive \$4.10, out of which he would have to expend at least 75 cents for the extra cost of board and lodging during his layoff away from home. Thus, while the company would be forced to pay \$8.20 for what it now obtains for \$6.56, an increase of 25 per cent, the individual employee would really be considerably damaged.

In order to keep the men fully employed and the freight moving under the conditions that would be imposed by the enactment of any of the measures under discussion, this company would be compelled largely to increase its locomotive equipment. It would also have to provide additional terminal facilities, and in many other ways the adjustment to the radically new methods demanded to meet the legislation would entail upon the company large expenditures. Beyond this,

it is certain that if the railways of the United States were compelled immediately to adjust themselves to such a law as that proposed, they would find it impossible, at short notice, to obtain the additional equipment and facilities which it would require. The consequent interference with traffic movement and the injury to the business interests of the country it is quite impossible to estimate. Traffic congestion and general disorganization and demoralization of the service would be certain to be the immediate result. Certainly, if Congress is to impose this burden upon the railway business of the country, it ought not to do so without ample warning and full opportunity to comply with the conditions of the law.

I am, Mr. Chairman, with great respect,  
Very truly, yours,

H. T. NEWCOMB,  
Counsel for the Delaware and Hudson Company.

MR. KITTREDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Dakota?

MR. GALLINGER. Certainly.

MR. KITTREDGE. I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allee	Clark, Wyo.	Kittredge	Piles
Ankeny	Clay	La Follette	Proctor
Bacon	Daniel	Lodge	Rayner
Benson	Dick	McCreary	Scott
Berry	Dillingham	McLaurin	Simmons
Bexeridge	Elkins	Mallory	Smoot
Blackburn	Foraker	Martin	Stone
Brandegee	Frazier	Millard	Sutherland
Bulkeley	Fulton	Morgan	Tillman
Burkett	Gallinger	Nelson	Warner
Burnham	Gamble	Overman	Warren
Carmack	Hemenway	Ovenose	Wetmore
Carter	Kean	Perkins	Whyte

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

MR. GALLINGER. Mr. President, the letter that has just been read from the desk, it seems to me, is full of thoughtful suggestions that ought not to escape the attention of Senators when they come to vote on this bill. It is shown very conclusively that harm will come to the employees themselves in three respects, at least: First, that in many instances they will be compelled to discontinue their work at a distance from their homes, and that expense and discomfort will be incurred as a consequence. In the next place, it shows that in some instances their pay will be considerably reduced, because of this new order that is to be entered upon without warning to the railroads of the country; and, in the third place, it shows that it will require a very largely increased equipment on the part of some of the railroad companies of the country that they at least ought to be permitted time to adjust before they are compelled to give the additional service.

As I said in the beginning, Mr. President, it seems to me that this is unnecessary, if it be not pernicious, legislation; and I trust that the Senate will pause and ask itself the serious question, whether it is not the duty of this body to let this matter rest a little while, at least until it can be more thoroughly inquired into than I apprehend the average Senator has had opportunity of doing.

I received a communication a few days ago from a gentleman well known in railroad circles—and I am one Senator, Mr. President, who does not hesitate to speak the word "railroad" and to quote the opinions of railroad men. I know of no class of men in this country so well qualified to give expert testimony on questions relating to the great carrying corporations of this country as the men who are connected with them; and while some of them have doubtless been guilty of practices that we would all condemn, and while there is a prejudice abroad in the land against corporations as a whole just now, I do not hesitate to be influenced to some extent, at least, by the opinions of these men who have given their lives to a study of the transportation problem, and who are prepared, because of that fact, to enlighten the minds of some men who occupy a place even in the Senate of the United States. This gentleman, in writing, makes this statement:

I believe the evil effects of such a law would be more pronounced in the Far West than on eastern lines.

And that is doubtless true. Mr. Newcomb has shown that it will have a bad effect on the Delaware and Hudson Company, and it is barely possible that it will have a bad effect on the New England roads, although I have some question in my mind about that, but it is certain to injuriously affect the roads in the western States.

I believe—

He says—

the evil effects of such a law would be more pronounced in the Far West than on eastern lines. The traffic in the West is subject to very great fluctuations from month to month, and as all train and engine men are paid on mileage basis it is impossible to keep a sufficient number of men in the service during the light months to protect the traffic offered

during the heavy months, because such a large number of men could not make a living, and would not, therefore, remain idle, or partially idle, during the light months. During the grain season, when all the farmers offer their grain for shipment at once, if the hours of labor are limited as suggested, we shall be unable to move this traffic even as promptly as we do at present, which, as you know, has not always been satisfactory. It would cause idleness of a considerable number of engines while the crews are waiting for rest. It would, in many cases, require live stock to be held in the cars while the crew is taking a rest between terminals or until a new crew could be sent out to make the relief.

While it may be that the legislative committees of the various labor organizations have approved some such action as this, I do not believe their representatives would approve these bills as drawn, because if such bills are passed it will, in many cases, deprive these men of their right to take their layover at their home station; in fact, it would, in many cases, require that they be stopped for rest within a few miles of their homes.

We already have agreements with these organizations of employees which permits them to take rest at a terminal whenever they feel the necessity of such rest, and regardless of the time on the road. We also have agreements permitting them to call for rest on the road between terminals after sixteen hours whenever they feel it necessary to do so. It is needless to say that they very seldom take advantage of the latter privilege, because in most cases when the sixteen-hour period expires they are so near their home station that it would be a detriment to them to stop; but if such a law were passed it would not be optional with them and would result in tying up many crews just outside of their home terminal.

I do not believe, Mr. President, that the railroad corporations of this country, between whom and their employees, as a rule, the most agreeable conditions exist, desire to overwork their men or to unfit them for the performance of their very exacting and responsible duties, and I think it must be a very rare exception that such requirements are imposed upon the men by the railroad corporations. Undoubtedly there have been extreme cases. It may be that the case cited by the Senator from Iowa [Mr. DOLLIVER] on yesterday, where a man, after sixteen or eighteen hours of continuous labor, laid down on the track or beside the track and was killed by a locomotive may have happened; and yet, as I then said, it seems inconceivable to me that that case could have resulted as it has been affirmed it did.

Very many times a careful inquiry into a casualty of that kind reveals facts that are not known to the newspaper man who heralds it to the world, and those few isolated instances that have been cited might, after due deliberation and careful inquiry, be made to appear very different from what they have been pictured to be in this and some other debates that we have had during this session of Congress.

That a great many men are killed on American railroads is undoubtedly true, and we all deprecate it. That the percentage is greater than on some of the railroads or, perhaps, on all of the railroads of the continent of Europe is likewise true, and we regret it.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. LODGE. If it will not disturb the Senator—

Mr. GALLINGER. Not at all.

Mr. LODGE. It is undoubtedly true that the loss of life among passengers is very much heavier in this country than in any country in Europe; but as to the loss of life among trainmen I do not know. I know in England that the deaths of trainmen are not returned in the statistics of the loss of life on railroads, and I should be very glad if the Senator could tell me whether there are statistics in regard to accidents among railroad employees in foreign countries.

Mr. GALLINGER. I will say, Mr. President, that that is a matter that I have not looked up; and on that point I am not prepared to give any information that would be worth giving.

I was about to say that conditions in respect to the railroad business in this country are different from what they are in Europe. A couple of years ago as I came from San Francisco to Washington, a portion of the way over the Rio Grande Railroad, I wondered that any train ever got through in safety. To compare disasters that might occur on that railroad with disasters that might occur on railroads traversing the level countries of Europe would be, of course, not a fair comparison.

It may be that our impetuosity as a nation and the bustle and push and aggressiveness that characterize the American people may have much more to do with these railroad accidents than the fact that the crews are overworked. I know that some disasters, very serious in their nature, have occurred of late, that have been cited as an illustration of the fact that we are not exercising due care in the direction that this bill proposes to effect a reform, that have been explained as being due to entirely different causes. I will call attention to one instance before I get through.

If this bill is to pass, Mr. President—and it would be a rash suggestion on my part to say that it will not, because the epidemic is abroad in the land and I do not know any way of stemming the tide until, like measles, it is exhausted—I say if

this bill is to pass there are some amendments which certainly ought to be incorporated in it. The Senator from Ohio [Mr. FORAKER] yesterday suggested certain amendments which he intends to offer to the bill, and I will now take occasion to suggest certain others, and I hope the Senator from Wisconsin [Mr. LA FOLLETTE] will give them careful and unprejudiced consideration.

I shall move, on page 4, lines 1 and 2, to strike out the words "casualty occurring after such employee has started on his trip" and insert instead thereof the words "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal." If that amendment shall be agreed to, and I trust it will be, it will very greatly improve this bill, and at the proper time I will offer it, and possibly submit some observations concerning it.

I shall also, at the proper time, move to strike out, on page 4, line 4, and page 4, line 16, the words "for rest" and insert the words "off duty." "For rest" has no special meaning. "Off duty" has a meaning that all can understand, and I think this slight change will make a great improvement.

On page 4, line 18, after the words "officers or agents," unless the amendment suggested by the Senator from Ohio [Mr. FORAKER] shall be adopted, and possibly it is a better amendment than mine—

Mr. FORAKER. What is it?

Mr. GALLINGER. I am about to state it. On page 4, line 18, after the words "officers or agents," I had proposed to offer an amendment inserting the words "or employee, knowingly." I say possibly the amendment proposed by the Senator from Ohio is a better one. I will examine it, which I have not had time to do.

The suggestion was made yesterday that the penalty clause should be amended so that it will read "a penalty of not more than \$1,000." I have no objection to that, although the reason which was given did not appeal to me. That was that we ought to grade penalties according to the ability of the offender to pay them. I think that would be bad legislation. If a crime is committed it ought to be punished, and if the crime is committed by a poor man it ought to be punished precisely as it would be punished if committed by a rich man. If committed by an employee it should be punished exactly as if committed by an officer of the corporation. But the tendency is to punish one class more severely than another, and I have no particular objection to that amendment if it shall be offered.

I shall likewise, at the proper time, propose an amendment, on page 5, line 2, after the word "occurred," by inserting the words:

But no such suit shall be brought after the expiration of one year from the date of such violation.

I will also offer to amend it by inserting at the close of the bill the following words:

Provided, That the provisions of this act shall not apply to crews of wrecking or relief trains.

I may perhaps offer some other amendments, but I wish to call attention at this time to the amendments I have enumerated, with a view of having the Senate give them a little thought, and in the hope that they may not be resisted by any Senator.

A friend of mine, not a railroad man, not connected with any railroad, under date of June 14, honored me by calling my attention to this bill, and he more particularly dwelt upon the fact that the words "or employee knowingly" should be inserted in the bill. He pointed out that it was unfair to hold a corporation accountable for accidents that occurred without the knowledge or possible knowledge of any officer of the corporation, but which did occur because of fault on the part of an employee. On that point he says:

It would be unfair to the officers and agents of the railroad to make them liable to misdemeanor, unless they knowingly violate the provisions of this act; as in the recent case in Colorado, for example, where a telegraph operator and agent of the road wanted to go to an entertainment and induced an operator who had been on duty at a local station to act for him during the night, thus doubling his duty. This was unknown to all agents of the company, except the party who was guilty of the offense.

That particular case has been made a great deal of, and it has been asserted over and over again in the public prints that that employee of the road had been so overworked, that he had been on duty so many hours, that he fell asleep, or something else happened to him, and that horrible disaster occurred as a consequence. I have reason to believe that exactly what my correspondent says occurred did occur—by the operator's own act. Having gone to an entertainment, he allowed another employee to take his place, and the accident was not due

at all to the fact that the responsible employee had been overworked.

It is equally important, in my judgment—

Says my correspondent—

If such legislation is to pass, that the penalty for violating this act, as shown in the case to which I have above referred, be to make the employee liable criminally as well as the agent. It is just as much an offense for him to violate the act knowingly as it would be for the agent of the road, and in many instances the violation would occur without any superior officer of the company knowing or permitting the violation. If the object is to protect the public as a police regulation, then the penalty should be imposed upon the employee who violates the provision of the act just as well as upon the officers of the company, for many of these employees are not directly under the supervision of any superior officer.

Mr. President, I have said that I do not believe that railroad corporations as a rule deliberately overwork their employees, but it is a well-known fact—one which does not need argument, one which certainly does not need elaboration—that the operation of railroad trains is a peculiar and exacting and perplexing matter, and that there may be, and doubtless have been and will be, a great many instances when it will be necessary for the welfare, not only of the traveling public, but the corporations and the employees themselves, to ask men to work what is usually regarded as an extreme length of time. For myself I accounted it a great privilege to work during a large portion of my life more than sixteen hours a day. But I do not argue that any other man ought to do that. But I do argue that if there is a full agreement, an amicable arrangement, between the men operating our railroads and the men employed upon the railroads that the latter shall work under certain conditions what is ordinarily regarded an undue length of time, it is questionable whether the Congress of the United States ought to step in and by legislation compel a different order of things.

In my judgment, if this bill shall be enacted it will inevitably result in producing friction between the railroad managers and their employees which does not now exist, and instead of bettering the condition of the employees it will result in detriment to them. I do not believe, Mr. President, that any interference on our part in this direction will have the least earthly effect upon lessening disasters upon the great railroads of our country.

That is all I care to say now, Mr. President. At the proper time I shall offer the amendments I have suggested, and I may have a word to say in favor of their adoption.

Mr. TILLMAN. Before the Senator from New Hampshire takes his seat I should like to ask him a question.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. Certainly. I had yielded the floor.

Mr. TILLMAN. Is it the object of this legislation to protect the employees solely, or is it to protect the traveling public?

Mr. GALLINGER. I stated a moment ago that I did not believe the proposed law would result in protecting to any great extent the employees, the traveling public, or the corporations themselves. I apprehend that those who are urging this legislation will say that primarily this is in the interest of the traveling public, but I have not been at all persuaded that it will have that effect.

Mr. TILLMAN. If the Senator will pardon me again. If it is not in the interest of the traveling public, and the Senator believes in the eight-hour law, as I presume every orthodox Republican does, why is it at all difficult to declare by law that no corporation shall compel or allow any of its employees to work more than sixteen consecutive hours?

Mr. GALLINGER. If any man had imposed, by law or otherwise, a limit on me, so far as the hours I should work were concerned, for twenty-five years of my life, I would have considered him the worst enemy I had in the world.

Mr. TILLMAN. So would I. How about any man who would impose sixteen hours on you because of your—

Mr. GALLINGER. I have never yet found that man, and I have had something to do with getting a living under conditions quite as burdensome as those of any railroad employee or any Senator present to-day.

Mr. TILLMAN. I am only interested in such legislation as appears to be necessary to secure the safety of the people and at the same time will protect the necessitous employees against the greed of any railroad or anybody else.

I should like to ask the Senator who introduced this measure and who has the matter in charge to consider the question of striking out, on page 4, lines 10 and 11, the words which I will indicate. I hope he will look at it. I hope he will agree to strike out, after "employee," the words:

Engaged in or connected with the movement of any train by which such commerce is affected.

And simply say, "it shall be unlawful \* \* \* to require or permit an employee to remain on duty more than sixteen hours," without regard to whether he is connected with the train or not. Those words are a little ambiguous. It looks to me as though sixteen hours are sufficient. Senators will remember that a great many of the accidents which we hear about—I have read of them—are caused by the telegraph operator who is compelled to sit up and try to keep tab on the movement of trains. He goes to sleep and does not flag a train under the orders, and the train rushes by and meets some other train on the road. I believe the telegraph operator ought to be protected just as much as anybody else. I hope the Senator from Wisconsin will consider the propriety of making that change, and provide that employees shall not work more than sixteen hours under any conditions, without any limitation whatever.

HARBOR AT SOUTH HAVEN, MICH.

Mr. NELSON. Will the Senator from Wisconsin yield to me to make a report from the Committee on Commerce?

Mr. LA FOLLETTE. I will yield for a moment, provided it does not provoke debate.

Mr. NELSON. I do not think it will.

I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 178) providing for the improvement of the harbor at South Haven, Mich., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Did the Senator from Wisconsin rise and take the floor?

Mr. NELSON. I had the floor. I did not take the Senator from Wisconsin off the floor.

The VICE-PRESIDENT. The Senator from Minnesota asks for the present consideration of a joint resolution, which will be read at length for the information of the Senate.

The joint resolution was read the first time by its title and the second time at length, as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend such sum as may be necessary, not exceeding \$10,000, out of any appropriation heretofore made, for improving the harbor at South Haven, Mich., for the purpose of dredging said harbor to a depth of 16 feet in accordance with a report submitted in House Document No. 119, Fifty-eighth Congress, second session.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BURKETT. That reads peculiarly—"out of any appropriation heretofore made." Does it not specify it any closer than that?

Mr. NELSON. It refers to the appropriation previously made for that harbor.

Mr. BURKETT. I did not observe that.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE obtained the floor.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Certainly.

Mr. FORAKER. I merely want to ask the Senator, before he commences his remarks, so that I may not have to interrupt him, to be kind enough to tell us what is intended by the provision to which the Senator from South Carolina [Mr. TILLMAN] called attention, commencing in line 9, on page 4, after the word "hailed," and extending down to and including the word "affected," as follows:

Or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected.

Mr. LA FOLLETTE. Mr. President, it is intended to include in the language just quoted by the Senator from Ohio all train crews, switchmen, train dispatchers, telegraph operators, and all those who have anything to do, directly or indirectly, with the movement of trains.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. TILLMAN. Then I suggest to the Senator that he ought to make it so clear and unmistakable that there can be no mistake about it, that telegraph operators and switchmen and everybody else are included. Otherwise it might be construed

as simply applying to those in charge of the train or on it, as the engineer, fireman, conductor, flagman, and all such employees.

Mr. LA FOLLETTE. Of course the difficulty of making an enumeration is that if any class of employees is omitted—

Mr. TILLMAN. I understand. If you do not mention one class they will be regarded as expressly omitted.

Mr. LA FOLLETTE. Yes; the omission of any one class when you begin to enumerate them would be construed as excluding those not named. It was regarded by those who framed the bill, I suppose, that this phraseology was safer and would be certain to embrace all who had to do with the movement of trains in any manner.

Mr. TILLMAN. "Who have to do in any manner directly or indirectly with the movement of trains." The Senator used those words. I find they are not in the bill—connected directly or indirectly.

Mr. LA FOLLETTE. There ought to be no objection to including the words "directly or indirectly."

Mr. TILLMAN. I merely make the suggestion to the Senator because I want to see that this legislation is effective and will accomplish the purpose.

Mr. LA FOLLETTE. I will say to the Senator that I want to see the bill as broad and comprehensive and, at the same time, as specific as it can be made. I regret very much that it is not a stronger measure. I introduced a bill which I should much prefer to have supported than the bill now pending before the Senate, although I subsequently introduced this bill at the request of the legislative representative of the organizations of railway employees, because he believed that it would not be possible to secure the enactment of a better measure at this session.

Mr. President, every Senator who has spoken against this bill insists that there is no necessity for this legislation. I can not understand the point of view of anyone conversant at all with the accidents, the loss of life, and the injuries which occur not only to the employees, but to the traveling public in this country—I say, I can not understand what objection anyone who has even a superficial knowledge or acquaintance with the great loss of life in this country and the injury to passengers can make to this bill.

The Senator from Massachusetts [Mr. LODGE] inquired of the Senator from New Hampshire [Mr. GALLINGER] as to the statistics respecting the loss of life on foreign roads. The Senator from New Hampshire was not prepared to answer the Senator from Massachusetts. I have at hand some comparisons with Prussian and English railroads which will at least in part answer the Senator from Massachusetts.

In Prussia the railroad companies employ a greater number of men relatively to operate their trains and care for their tracks than do the railroad companies of this country. The railroads in this country kill relatively *three times* as many employees as are killed on Prussian roads. In this country the railroads injure relatively *five times* as many employees as are injured on Prussian roads. These figures are taken from a recent report made by the representatives of the Prussian government, who were commissioned to visit this country and investigate the American railroads and their operation. The figures which I have quoted from that report are based upon comparisons which take into account all factors necessary to make the results accurate and reliable. There is therefore no escape from the damaging conclusions of this report. It makes an appalling arraignment of the railway management of this country.

Now, Mr. President, with respect to passengers, the representatives of the Prussian government state in this report that American railroads kill relatively *six times* as many passengers as the Prussian roads, and injure *twenty-nine times* as many passengers as the Prussian roads.

With respect to railway accidents upon English roads, I have some interesting comparisons bearing directly upon the question raised by the Senator from Massachusetts.

I read from a message which, as governor, I submitted to the Wisconsin legislature one year ago:

England has a little over 22,000 miles of railroad. We have in this country a little more than 200,000 miles of railway. England has, therefore, about one-tenth of the railway mileage of the United States. Her passenger trains in 1903 traveled less than one-half the total mileage which the passenger trains in this country traveled. English railroads, however, carried twice as many passengers as were carried by the railroads of the United States during that year. It will thus be seen that the English trains were much more heavily loaded and followed each other much more closely in order to handle on her limited trackage the passenger traffic for 1903.

It is an accepted rule that accidents increase in some measure with the density of traffic. The density of the English traffic compared with that of this country is as six to one. But, notwithstanding the fact that England hauled twice as many passengers with a train mileage less than half as great as ours, and did the work with only 22,000 miles

of track, she killed and injured in 1903 only one-tenth of the number killed and injured by the railroads of this country for that year.

There is another important matter reported to the Prussian government by their representatives sent to this country, to which I ask the attention of the Senate, and that is this: The Prussian government employs to guard against accidents upon the railroads operated by that government 636,000 men, as against 50,000 men employed for similar purposes by the railroads of this country.

Mr. President, it does seem to me that these comparisons ought to plead strongly for this legislation. Add to this the startling disclosures revealed in the reports which the railroads file annually with the Interstate Commerce Commission, showing that over 50,000 people, including railway employees and passengers, are killed and injured in the United States every twelve months by railroads, and it would seem that no Senator ought to question the necessity of this legislation or attribute it to an epidemic of pernicious discrimination against railroads or a disposition upon the part of anybody to do them wrong.

The Senator from New Hampshire [Mr. GALLINGER] says he does not know how it will be possible to stem the tide of this epidemic of railway legislation until it has had its run, like the measles. I would suggest to him that the best way to arrest it is to deal fairly with the public in its relations with the railroads.

Mr. GALLINGER. Mr. President—

Mr. LA FOLLETTE. In one moment. If there is an aroused public sentiment for legislative action at this time, it is because the public interest has been so long neglected.

For nearly ten years the people have been knocking at the doors of Congress, asking for legislation to regulate transportation charges upon railroads doing interstate-commerce business in this country. There have been laid before the committees of Congress annually, by the Interstate Commerce Commission in their reports, the fact that the railroad companies of this country were increasing month by month and year by year the transportation charges upon the traffic of the country; that this was being done through a combination and concerted action on the part of the great trunk lines; that over large areas of the country the increase in rates would be made upon the same day and in exactly the same ratio, showing that all the lines operated within a particular section were acting together—were cooperating in the advance of rates.

The reports of the Commission, the testimony presented to the committees of Congress, and the petitions of thousands of people and hundreds of communities have placed it beyond dispute that these advances were extortionate and without excuse or justification.

It has been made plain to the committees of Congress that these advances have been in violation of the economic laws governing the cost of transportation; that with the increase in the volume of traffic and the improvement in the facilities of transportation the rates should have been lowered instead of raised.

In the face of all this, the just demands for legislation have been denied for a decade. It is only at the present session that public pressure has become so strong that Congress has at last granted a little measure of relief for the regulation of railway rates.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I will yield presently, when I have answered the Senator's argument with respect to the epidemic.

The righteous appeals of the railway employees have been ignored and denied.

For nearly twenty-five years they have prayed for legislation to protect them against the negligence of the railway companies. The railway service is under the severest discipline. Employees are compelled to serve with the men the company hires. They can not choose their associates. To offer any objection is to invite discharge. They suffer loss of life and limb in that service through the carelessness of coemployees and the negligence of the railway companies.

For nearly a quarter of a century they sought relief from Congress in vain. Is it to be marveled that the public is awakening to a sense of the wrong it has suffered? Shall its persistent and perfectly fair and reasonable demand for just legislation be rebuked as clamor and disease?

Every country in the world has recognized the demand for legislation that will make the employer respond in damages for the carelessness of the company and negligence or carelessness of the coemployee through whom an employee of the company receives injury. Yet the railroad employees of this country suffered without remedy until the present session, when a rea-

sonably good bill passed this Congress after a protracted struggle to defeat it.

So with the present bill. The railway employees have asked again and again for legislation placing a reasonable limit upon the number of hours of continued service beyond which they shall not be required to run trains. It is argued here that it can be left to contract between the railway companies and their employees. Every man who is at all familiar with the relations existing between railway employees and the companies knows perfectly well that whenever an engineer is called to take out his engine, whenever the call is made upon the train crew, no matter whether they have been on duty to the limit of human endurance, with scarcely an hour's rest, they must respond to that call. They can not argue the matter with the railroad company. They can not refuse to go out.

Of course they will not be discharged at once for such refusal. That would be a violation of the contract. But the refusal is noted on the record of such employee by the train dispatcher. Within a month or two, for some reason that can not be construed to be a violation of the contract entered into between the employee and the railroad company, the employee finds himself dismissed from the services, and dismissed under conditions that will not admit of his procuring employment with other companies.

The service of the railroad companies is in many respects a most difficult one. It is hazardous. It is a service in which the public is profoundly interested. This legislation is demanded because it is just to a faithful, intelligent, and courageous army of men and reasonable in its terms.

Furthermore, it is demanded because the public is deeply interested. It is vital to all who travel that the men who operate the railway trains of this country are in the best physical and mental condition. With scarcely an exception, every afternoon as the hands of the clock point to the hour of 5 some Senator rises to entreat those in charge of legislation for an adjournment. They find themselves weary and exhausted with their attendance upon the session for a scant five hours. The Record is full of the complaints of Senators that they have been required to sit here through half the day.

Think, sir, of the engineer, who takes out an engine at midnight for his long run. His employment may not be so exacting as that of Senators on this floor, but the alertness demanded, the concentration of all his faculties, is what wears upon the man. That engineer sits with hand on lever and throttle peering ahead, with all the faculties of his mind and all the powers of his being concentrated on the safe conduct of that train to its destination. He has not only the strain which comes of nervous tension, of a constant apprehension of danger, but he has the weariness which comes with physical taxation. So with the firemen; so with the conductors. When those men have been on duty continuously for sixteen hours, how can any Senator argue that the law ought not fix a limitation beyond which they shall not be required to serve?

Mr. HALE. Will the Senator—

Mr. BAILEY. I want the Senator from Wisconsin to conclude what he is saying, because I have something that I want to say to the Senate, and I must go to a committee meeting. I do not want to interrupt the Senator.

Mr. LA FOLLETTE. If the Senator rose to address me a question, I yield.

Mr. HALE. It is only a matter of reading a conference report.

Mr. BAILEY. A committee is now waiting on me, and I am awaiting the Senator from Wisconsin. I should like to dispose of what I desire to say as soon as possible. I hope the Senator from Maine will not insist now upon interrupting the Senator from Wisconsin.

Mr. HALE. I am only doing what is always done. I have a very important conference report to submit. It will not take any time. I conferred with the Senator from Wisconsin before his bill came up, and instead of bringing it in at that time, I told him I would wait and ask that the unfinished business be temporarily laid aside while I submitted a report on the sundry civil appropriation bill. It is very important, of course, that it should go through. There are no controversies in it. It is simply a matter of reading the report. All I ask is that the unfinished business be temporarily laid aside while I submit the report.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. HALE. Both Senators will see how important this is. I shall not myself take any time. I ask that the unfinished business be temporarily laid aside that I may submit a conference report.

Mr. LA FOLLETTE. If the Senator from Texas does not object, I will not.

Mr. BAILEY. I want to say that if the pending bill is coming to a vote at once when the Senator finishes, I shall have no objection, but I am going to interrupt anything else at the conclusion of his remarks.

Mr. HALE. I shall not take any time, Mr. President.

The VICE-PRESIDENT. The Senator from Maine submits a conference report.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other expenses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 14, 22, 49, 51, 53, 54, 55, 59, 62, 64, 70, 71, 79, 83, 85, 87, 88, 89, 90, 110, 120, 121, 123, 124, 132, 133, 134, 137, 147, and 148.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 52, 58, 61, 65, 67, 68, 72, 73, 74, 76, 77, 84, 86, 91, 95, 96, 97, 98, 99, 100, 101, 103, 104, 106, 108, 109, 111, 112, 113, 114, 115, 122, 125, 126, 127, 129, 130, 135, 136, 138, 139, 140, 141, 144, and 145; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to civilian instructors;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "necessary," insert "not exceeding five thousand dollars;" omit all after the word "Molokai," in line 6 of said amendment, and insert in lieu thereof the following: "and a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Stonington breakwater, Connecticut: For erection of a suitable double dwelling for the keepers of the light station at Stonington breakwater, Connecticut, six thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Arena Light Station, California: For rebuilding of light station and keepers dwellings, seventy-two thousand five hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "June," insert the word "twentieth;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Nantucket Shoals, Massachusetts: Toward the construction of a light vessel to be placed off Nantucket Shoals, Massachusetts, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Ambrose Channel, New York Bay: Toward the construction of a light vessel for the sea entrance to the channel, fifty thousand dollars; and the total cost of said light vessel, under a

contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a light-house on Staten Island, New York, and raising West Bank Light: Toward establishing a light-house on Staten Island, New York, and raising West Bank Light, fifty thousand dollars; and the total cost of said light-house, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Harbor of Refuge, Milwaukee, Wis.: Toward the construction of a light and fog-signal station on the south end of the breakwater, Harbor of Refuge, Milwaukee, Wis., fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Rock of Ages, Lake Superior: Toward the construction of a light and fog-signal station on Rock of Ages, Lake Superior, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Twelfth Light-House District: Toward the construction of a steam tender for the use of the light-house engineer of the Twelfth light-house district, fifty thousand dollars; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Columbia River, Oregon: Toward the construction of a light vessel for use off the mouth of the Columbia River, Oregon, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and thirty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Hinchinbrook entrance, Prince William Sound, Alaska: Toward the construction of a light and fog-signal station at Hinchinbrook entrance, Prince William Sound, Alaska, twenty-five thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$770,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For any special surveys that may be required by the Light-House Board or other proper authority, including the expenditures authorized under public act numbered one hundred and eighty-one, approved May 26, 1906, and contingent expenses incident thereto, five thousand dollars, together with the unexpended balance under this appropriation for 1906 and prior years, which is hereby reappropriated and made available on this account for the fiscal year 1907."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$257,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$33,940;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following:

"Provided, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year 1907, and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the amount paid for said publication and the total received therefor."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$565,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 3, 4, and 5, the words "or for the purpose of increasing the general efficiency or available supply of the full resources in the United States;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,463,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and, on page 78 of the bill, in line 13, after the word "acting," insert the words "after June 30, 1906;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "Interior" and in lieu thereof insert the words "Smithsonian Institution;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$19,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "northwest;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$825,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$363,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,212,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That no part of this appropriation shall be available after March 4, 1907, except on condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors after said date;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In line 13 of said amendment, after the word "capacity," insert the word "whether;" and in line 14, after the word "States," insert "or otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Add at the end of said amendment "; all money expended hereunder shall be taxed by the court as a part of the cost in said judicial proceedings;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall have been so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per cent interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted."

And on page 164 of the bill, in line 13, strike out the words "five hundred and seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Sec. 7. That from and after July 1, 1906, all of the expenses of the supreme court of the District of Columbia mentioned below, to wit, fees of witnesses, fees of jurors, pay of bailiffs and criers, including salaries of deputy marshals who act as bailiffs or criers, and all miscellaneous expenses of said court, shall be paid, one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided*, That estimates for like expenditures for the fiscal year 1908, and annually thereafter, shall be submitted to the Commissioners of the District of Columbia for transmission to Congress with the annual estimates for the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

#### "JAMESTOWN EXPOSITION.

"Sec. 10. That there shall be exhibited at the Jamestown Exposition by the Government of the United States from the Smithsonian Institution, the National Museum, and the Library of Congress such articles and materials of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibit shall also include an exhibit from the War and Navy Departments, the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the Bureau of Fisheries, and an exhibit from the island of Porto Rico. And the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American Republics, and space in any of the United States Government exhibit buildings shall be provided for that purpose. The Jamestown Tercentennial Commission, created by an act of Congress approved March 3, 1905, shall, in addition to the authority and duties conferred and imposed by said act, be authorized and empowered, and it shall be their duty, to select, prepare, transport, and arrange for the exhibition and return of the Government exhibits herein authorized. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the

United States may, in his discretion, designate other and additional articles and materials.

"The officers and employees of the Government who may be appointed by the Jamestown Tercentennial Commission to carry out the provisions of this section, and any officers and employees of the Government who may be detailed to assist them, including the officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence not to exceed four dollars.

"The officers of the Army and Navy shall receive said allowance in lieu of subsistence and mileage now allowed by law, and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army and Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed to duty in connection with said Jamestown Tercentennial Exposition. And to carry out in full all of the provisions of this section not herein otherwise specifically appropriated for, so much thereof as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended in accordance with law and under such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

"That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of the said Jamestown Tercentennial Exposition for said Government exhibit, including a suitable building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium; also a building for use as a place of rendezvous for the soldiers and sailors of the United States Army and Navy and of the foreign navies and armies participating in said celebration; also a building for use as a place of rendezvous for the commissioned naval and Army officers participating in said celebration; also the preparation of the grounds for, the approaches thereto, and the lighting of all of said buildings. Said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States: *Provided*, That the aggregate cost of all of said buildings, including the preparation of grounds, approaches, and lighting shall in no event exceed the sum of three hundred and fifty thousand dollars, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings or the materials composing the same, and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed, from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers, extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than 10 feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of four hundred thousand dollars, or as much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illuminate the same: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration,

shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefor and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto or to reimburse any individual or corporation for any damage sustained in consequence of the use of said piers and basin.

"That in aid of the said Jamestown Tercentennial Exposition the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of five hundred thousand dollars on account of said exposition. Said two hundred and fifty thousand dollars shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes of the exposition other than salaries: *Provided*, That, as a condition precedent to the payment of this appropriation in aid of said exposition, the Jamestown Exposition Company shall agree to close the grounds of said exposition to visitors on Sunday during the period of said exposition.

"That for the erection of a permanent landing pier at Jamestown Island on the frontage owned by the Association for the Preservation of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for public structures of the United States: *Provided, however*, That if any pier now constructed and suitable for landing persons and material for the erection of the monument on said Jamestown Island heretofore authorized can be leased or purchased within the appropriation of \$15,000 hereby made, the Secretary of War is hereby authorized to expend the sum hereby appropriated for the leasing or purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March 3, 1905.

"For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this paragraph shall be expended by and under the direction of the Tercentennial Commission, and shall not be expended until such provisions are made with such association as will insure the free access to every part of the grounds of said association of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

"That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government

of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

"That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of 1893, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

"That in aid of the Negro Development and Exposition Company of the United States of America to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of \$100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however*, That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

"That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said Tercentennial Commission, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for by this act.

"The United States shall in no event be liable, directly or indirectly, upon any ground or for any cause whatsoever in connection with or on account of its participation in said Jamestown Tercentennial Exposition beyond the sums expressly appropriated by the act of March third, 1905, and by this act.

"That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress."

And the Senate agree to the same.

On amendments numbered 5 and 47 the committee of conference have been unable to agree.

EUGENE HALE,  
GEO. C. PERKINS,  
JAMES H. BERRY,

*Managers on the part of the Senate.*

JAMES A. TAWNEY,  
WALTER I. SMITH,  
GEO. W. TAYLOR,

*Managers on the part of the House.*

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments not agreed to, and ask for a further conference with the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. BERRY as the conferees on the part of the Senate.

Mr. HALE. I am under obligations to the Senator from Wisconsin and to the Senator from Texas.

#### HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of em-

ployees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, I send to the desk petitions which have been given to me to present.

The VICE-PRESIDENT. The petitions will be received and lie on the table.

Mr. LA FOLLETTE. I also send to the desk and ask to have printed in the RECORD a tabulated statement with respect to those petitions.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

The statement referred to is as follows:

*One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, from 174 cities and towns in 39 States and 4 Territories, bearing the signatures of 7,523 members, all praying for the enactment of a law prohibiting excessive hours on duty of locomotive engineers.*

City or town.	Number of division.	Number of signatures.
<b>Alabama:</b>		
Anniston.....	407	16
Montgomery.....	495	22
Tusculumbia.....	423	69
Total.....		107
<b>Arkansas:</b>		
McGehee.....	585	29
<b>Arizona:</b>		
Winslow.....	194	36
<b>California:</b>		
Needles.....	383	67
San Bernardino.....	398	35
San Francisco.....	161	149
Rocklin.....	415	55
Total.....		306
<b>Colorado:</b>		
Basalt.....	515	19
Canon City.....	546	14
Denver.....	186	31
Do.....	451	35
Grand Junction.....	488	43
La Junta.....	505	47
Trinidad.....	430	25
Total.....		214
<b>Connecticut:</b>		
Hartford.....	205	49
<b>Florida:</b>		
Jacksonville.....	309	70
<b>Georgia:</b>		
Atlanta.....	207	38
Do.....	368	29
Brunswick.....	649	30
Columbus.....	409	23
Savannah.....	256	31
Do.....	646	26
Way Cross.....	648	38
Total.....		215
<b>Idaho:</b>		
Pocatello.....	228	33
<b>Illinois:</b>		
Aurora.....	32	60
Centralia.....	24	27
Champaign.....	602	34
Chicago.....	458	38
Do.....	302	29
Do.....	394	46
Do.....	404	39
Do.....	458	36
Decatur.....	155	37
East St. Louis.....	512	66
Do.....	49	32
Monmouth.....	484	21
Mount Carmel.....	400	39
Rock Island.....	60	39
Urbana.....	143	19
Total.....		559
<b>Indiana:</b>		
Howell.....	154	41
Herrington.....	434	10
Lafayette.....	7	21
Logansport.....	612	36
Michigan City.....	300	40
Seymour.....	623	39
Washington.....	289	32
Total.....		219
<b>Indian Territory:</b>		
Hugo.....	633	12

*One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, etc.—Continued.*

City or town.	Number of division.	Number of signatures.
<b>Iowa:</b>		
Cedar Rapids.....	159	25
Des Moines.....	113	34
Fort Madison.....	391	35
Mason City.....	117	21
Do.....	229	6
Perry.....	203	38
Sanborn.....	131	11
Stuart.....	184	15
Total.....		165
<b>Kansas:</b>		
Arkansas City.....	462	41
Argentine.....	396	42
Fort Scott.....	237	22
Herington.....	261	36
Newton.....	252	21
Pittsburg.....	527	59
Topeka.....	234	26
Wichita.....	364	75
Total.....		322
<b>Kentucky:</b>		
Covington.....	271	21
Ludlow.....	603	33
Total.....		54
<b>Louisiana:</b>		
Monroe.....	323	17
<b>Maine:</b>		
Bangor.....	508	28
Henderson.....	440	22
Houlton.....	588	28
Total.....		78
<b>Maryland:</b>		
Total.....	52	34
<b>Massachusetts:</b>		
Boston.....	61	55
Do.....	439	
Greenfield.....	112	45
Fitchburg.....	191	53
Total.....		156
<b>Michigan:</b>		
Battle Creek.....	33	61
Gladstone.....	266	26
Iona.....	503	23
Jackson.....	2	49
Total.....		164
<b>Minnesota:</b>		
Minneapolis.....	180	32
St. Paul.....	159	43
Do.....	516	31
Two Harbors.....	420	30
Waseca.....	9	57
Total.....		133
<b>Mississippi:</b>		
McComb.....	196	25
Meridian.....	537	36
Total.....		61
<b>Missouri:</b>		
Brookfield.....	616	54
Kansas City.....	502	57
Monnett.....	507	29
New Franklin.....	556	33
Slater.....	8	31
Sedalia.....	178	51
Springfield.....	83	34
Stanberry.....	17	25
St. Louis.....	65	48
Do.....	327	49
Do.....	428	32
Do.....	487	20
Thayer.....	285	32
Trenton.....	471	44
Total.....		539
<b>Nebraska:</b>		
Alliance.....	622	53
Chadron.....	303	40
Fairbury.....	431	17
Lincoln.....	98	47
Wymore.....	621	28
Total.....		135
<b>Nevada:</b>		
Sparks.....	158	30
<b>New Hampshire:</b>		
Nashua.....	483	17

One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, etc.—Continued.

City or town.	Number of division.	Number of signatures.
<b>New Jersey:</b>		
Camden	22	35
Hoboken	171	73
Total		108
<b>New Mexico:</b>		
Alamogordo	591	12
Albuquerque	446	22
Chama	209	25
San Marcial	264	23
Total		82
<b>New York:</b>		
Binghamton	311	31
East Buffalo	421	120
Elmira	41	90
Do	434	48
Mechanicsville	418	25
Middletown	292	81
Rensselaer	59	28
Rochester	35	26
Troy	87	28
Total		477
<b>North Dakota:</b>		
Grand Forks	470	13
<b>Ohio:</b>		
Air Line Junction	457	26
Ashtabula	260	9
Cleveland	31	23
Do	167	42
Columbus	72	31
Conneaut	273	122
Crestline	306	30
Gallion	16	66
Newark	36	68
Springfield	208	80
Van Wert	384	14
Total		517
<b>Oregon:</b>		
La Grande	262	26
Roseburg	476	37
The Dalles	236	19
Total		82
<b>Oklahoma Territory:</b>		
Shawnee	609	34
<b>Pennsylvania:</b>		
Ashley	272	22
Bradford	290	41
Carnegie	416	41
Clearfield	635	42
Columbia	104	96
Connellsville	50	21
Easton	259	47
Hazleton	316	34
Kingston	543	38
Lebanon	414	38
Meadville	43	9
Philadelphia	51	70
Do	109	22
Reading	75	24
Scranton	76	23
Tyrone	467	51
West Philadelphia	45	10
Do	253	60
Total		689
<b>Rhode Island:</b>		
Providence	57	40
<b>South Carolina:</b>		
Abbeville	498	78
Florence	265	32
Total		70
<b>Tennessee:</b>		
Chattanooga	198	62
Knoxville	239	163
Memphis	23	92
Nashville	129	40
Do	473	40
Total		397
<b>Texas:</b>		
Amarillo	299	24
Del Rio	566	22
Denison	568	54
El Paso	192	23
Fort Worth	501	20
Houston	366	62
Laredo	438	19
Somerville	636	26
Total		250

One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, etc.—Continued.

City or town.	Number of division.	Number of signatures.
<b>Utah:</b>		
Helper	593	33
Ogden	55	73
Salt Lake City	222	51
Total		157
<b>Vermont:</b>		
Bellows Falls	106	33
Rutland	374	47
Total		80
<b>Virginia:</b>		
Clifton Forge	38	35
Manchester	522	68
Do	321	44
Roanoke	401	81
Total		228
<b>Washington:</b>		
Ellensburg	402	6
Starbuck	443	56
Tacoma	236	51
Total		113
<b>West Virginia:</b>		
Grafton	284	154
<b>Wisconsin:</b>		
Antigo	536	22
Ashland	379	21
Baraboo	176	48
Green Bay	297	49
Portage	618	53
Tomah	653	26
West Superior	230	47
Total		259

Mr. LA FOLLETTE. I ask to have read as a part of my remarks a letter which I send to the desk.  
 The VICE-PRESIDENT. The Senator from Wisconsin asks that the letter presented by him may be read by the Secretary. Without objection, the Secretary will read it.  
 The Secretary read as follows:

WASHINGTON, D. C., March 14, 1906.

HON. ROBERT M. LA FOLLETTE,  
 United States Senator, Washington, D. C.

DEAR SENATOR: I inclose herewith the bill regarding which I talked with you personally some days ago, entitled "A bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," and which has the indorsement of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen. We would appreciate it very much if you can find it consistent to introduce this bill for us. Earnest efforts have been made by these organizations to prevent excessive hours of service of employees engaged in the movement of trains through agreements with the various railroad managements without the necessity of legislation, but have not been sufficiently successful to properly protect life and limb in this way, and we think it only proper to appeal to Congress for protection.

Very truly yours,  
 H. R. FULLER,  
 Legislative Representative.

Mr. LA FOLLETTE. Mr. President, I will ask to have read a telegram and letter, which I send to the desk, as bearing upon the amendment offered by the Senator from Ohio.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. The telegram reads as follows:

BLUEFIELD, W. VA., June 27.

Senator LA FOLLETTE, Washington, D. C.:

The Brotherhood of Locomotive Engineers earnestly protest against Foraker amendment penalizing employees in House service bill. We hope you will do all possible to defeat it.

W. S. STONE.

(NOTE.—This man is grand chief engineer of the Brotherhood of Locomotive Engineers.)

The SECRETARY (continuing). The letter reads as follows:

WASHINGTON, D. C., June 27, 1906.

HON. R. M. LA FOLLETTE,  
 United States Senate, Washington, D. C.

DEAR SIR: With reference to the amendment offered by Senator FORAKER to Senate bill No. 5133, by which it is proposed to penalize an employee for working more than the specified number of hours, the organizations of railroad employees are opposed to such an amendment. The carrier creates the conditions, and it is to it that the Government should look for the safe transportation of persons and property. No employee in train service works excessive hours without the carrier knowing it, as a record is kept—or should be kept—showing the time the employees go on or are relieved from duty; and it is therefore impossible for an employee to deceive the carrier as to the time he has been off or on duty.

The adoption of such an amendment would in many cases defeat the

purpose of the act for the reason that it would prevent the Government from using the employee as a witness, as he could not be compelled to incriminate himself.

To those acquainted with the practical operation of a railroad it is easily seen that such a provision could be used to defeat the law in this way: A train dispatcher, who is the person responsible for the prompt movement of trains, could, in order to cover up his own shortcomings and mistakes which had caused delay to trains, get the employees within a few miles of their homes within the maximum time, and knowing the great temptation for the men to get home, would say to them that he did not know how long they had been on duty, and influence them to stretch the time sufficiently to enable them to reach their homes. It would encourage this practice, which would have the effect of delay rather than an effort to move trains with dispatch.

Very truly, yours,

H. R. FULLER, *Legislative Representative.*

Mr. LA FOLLETTE. Mr. President, in this connection I wish to read just a few lines from the message of the President to Congress the third session of the Fifty-eighth Congress. He said:

I \* \* \* would also point out to the Congress the urgent need of legislation in the interest of the public safety, limiting the hours of labor for railroad employees in train service upon railroads engaged in interstate commerce.

In his message at the present session he said:

The excessive hours of labor to which railroad employees in train service are in many cases subjected is also a matter which may well engage the serious attention of the Congress. The strain, both mental and physical, upon those who are engaged in the movement and operation of railroad trains under modern conditions is perhaps greater than that which exists in any other industry, and if there are any reasons for limiting by law the hours of labor in any employment they certainly apply with peculiar force to the employment of those upon whose vigilance and alertness in the performance of their duties the safety of all who travel by rail depends.

I shall offer, Mr. President, at the proper time some amendments to the bill which I believe will improve it but still keep it within the limits of the manifest intention of the committee which reported it. But I will now yield the floor to the Senator from Texas [Mr. BAILEY].

Mr. McLAURIN subsequently submitted three amendments intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which were ordered to be printed, and to be printed in the RECORD, and to lie on the table, as follows:

*First amendment.*—Immediately after the word "employee," in line 3 and in line 15, on page 4, insert the following, to wit: "having been so on duty for sixteen consecutive hours immediately before."

*Second amendment.*—Immediately after the word "rest," in line 4 and in line 16, on page 4, add the following, to wit: "Any such employee who shall have been on duty ten successive hours shall not be required or permitted to go on duty without having had at least eight hours' rest."

*Third amendment.*—Insert: "Any common carrier subject to the provisions of this act, which by the negligence of its employee worked overtime shall injure or damage any person, shall be liable, by suit and recovery, in either a State or United States court, to such person so injured or damaged for all damages so sustained."

Mr. LA FOLLETTE subsequently submitted six amendments intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which were ordered to be printed, and to be printed in the RECORD, and to lie on the table, as follows:

1. Amend by inserting, after the word "trip," in line 2, page 4, the following: "or by unknown casualty occurring before he started on his trip."

2. Amend by inserting, after the word "employee," at the end of line 3, page 4, the following: "who has been on duty sixteen hours."

3. Amend by inserting, after the word "rest," at the end of line 4, page 4, the following: "or to require or permit any such employee who has been on duty ten and less than sixteen hours to go on duty without having had at least eight hours for rest."

4. Amend by inserting, after the word "employee," in line 15, page 4, the following: "who has been on duty sixteen hours."

5. Amend by inserting, after the word "rest," in line 16, page 4, the following: "or to require or permit any such employee who has been on duty ten and less than sixteen hours to go on duty without having at least eight hours for rest."

6. After the word "knowledge," line 6, page 5, add the following: "The provision of this act shall not apply to relief or wreck trains."

PERSONAL EXPLANATION.

Mr. BAILEY. Mr. President, to be misunderstood by some good men and to be misrepresented by many bad men is a penalty which every man must pay for actively participating in the politics of this free Republic; and it would be worse than a waste of time for any Senator to answer all of the unfounded and malicious charges which may be circulated against him. I am, moreover, inclined to believe that the rule pursued by nearly all public men of making no answer to any charge is the wiser one, because if some are answered and others are left unanswered the very fact that an answer has been made to

some and not to others will be used as an evidence that the unanswered ones are true. For this reason an answer must be made to all or to none; and as any man would make himself ridiculous by asking the public to listen while he corrects every story which the ingenuity of personal and political malevolence may invent, the only safe rule is to trust an intelligent public to judge him by what he says and does without reference to what he is charged with having done or said. But the fact that the publication which contains the false and offensive matter to which I object is owned by a Member of Congress seems to take this case out of the general rule and to demand the answer which I am about to make.

I shall not deal with this as a matter personal to me, because it is of a kind which, if dealt with in that way, would require a different place. Indeed, if I considered it purely and only from a personal point of view, I would not regard it as worthy of any notice; for nothing which this magazine can say will injure me with my constituents or in the estimation of those with whom I have served in either House of Congress. But, Mr. President, I can not free myself from the belief that I owe it to the American people to show them what manner of men these are who are striving to destroy popular faith in the integrity of all public servants.

Several months ago the *Cosmopolitan Magazine*, which I am informed was up to that time a reputable publication, fell into financial difficulties, and was sold to WILLIAM R. HEARST. As I state this upon information and not upon my own knowledge, I think it proper to lay before the Senate the facts as they were furnished to me by a gentleman familiar with the transaction. In a letter to me upon the subject that gentleman says:

The proposition to sell being satisfactory to the creditors, negotiations were entered into with W. R. HEARST, who agreed to buy the magazine. HEARST was represented in the arrangement of the sale by one Carvalho.

The purchase price agreed on was \$500,000. Instead of paying this sum in cash, HEARST organized a dummy corporation to take over this magazine, and called it the "International Magazine Company," he (HEARST) personally guaranteeing the bonds that were issued in settlement of the outstanding debts and over that of a sum up to the purchase price. The creditors and Walker accepted the bonds of this International Magazine Company at par. They are five-year bonds, drawing interest at the rate of 5 per cent, payable semiannually.

Immediately following this change of ownership this magazine announced a series of sensational articles entitled "The Treason of the Senate." As those articles were deliberately planned and widely advertised, the public had a right to expect that they would be written with scrupulous care and a due regard for truth and justice; but so far from meeting this reasonable expectation, they have been so manifestly designed to prejudice, rather than to inform the public, that intelligent men have laid them aside in absolute disgust. Some readers of less intelligence, however, are inclined to believe them, and I have already heard of some shallow and inflammable minds who support them with the argument that if they were not true they would have been denied. For the sake of the men who desire to know the truth and who would not do even their political enemies an injustice, I have determined to expose the reckless mendacity of the man who writes these articles.

I do not, of course, feel at liberty to refer to what he has said about other Senators, because I must respect their determination to pass his attacks on them in silence, and I am therefore driven to the necessity of using the article in which he slanders me. But before proceeding with that, I feel myself warranted in saying a word about one who was grossly abused, and who was not here then, and who can never be here again to speak in his own defense. While Senator Gorman was confined to his home by the sickness which terminated in his death, he was made the object of a bitter arraignment and pursued even beyond the grave, for in his last article this writer renews his miserable aspersions upon the dead Senator.

It has been observed by every intelligent man who has read these articles that the basic charge which runs through them all is that Democratic and Republican Senators are acting together in a secret agreement, and the unsuspecting reader is asked to believe that this secret agreement is carried out behind closed doors and in committee rooms. It was necessary to impress this view upon the public in order to give the articles even an appearance of the truth, because if it had been said that the Democrats and Republicans cooperate in the open Senate, the CONGRESSIONAL RECORD would completely and overwhelmingly refute that charge. It was therefore necessary to first imbue the public mind with the belief that Senators acted one way in the secrecy of the committee room and another way in the open Senate. In accordance with this line of appeal to the suspicions of the people this writer has selected as a special instance to illustrate and establish that charge, the tariff act of 1894, commonly known as the "Wilson bill." He declares, and in order

that there may be no mistake about it, I will read exactly what he says:

As usual, ALDRICH and Gorman retired to their Finance Committee with the tariff bill—as the Senate was "Democratic," Gorman had taken the chairmanship of the committee and the leadership of the Senate that goes with it, and ALDRICH had become nominal second in command. All the mischief, all the treachery that was put into that bill in the secrecy of that committee by those slippery twins will never be known; it is impossible for anyone not in the secret to grasp the effect of the sly amendments slipped in here and there.

If the man who wrote that statement had sincerely desired to know the truth, he could have learned it with very little trouble; and if he had been seeking to enlighten those who read his articles, he would not have misled them with a statement like that. Whether he knows the facts and deliberately misstated them, or whether he merely pretended to know them when he did not, he is equally unworthy of belief. Mr. President, when the Wilson bill was under consideration in the Senate, Senator Gorman was not the chairman of the Finance Committee. Indeed, sir, Senator Gorman was not even a member of that committee at that time, nor was he ever a member of it until within the last three years. What must fair-minded men think of a writer who charges that a Senator abused a position in the face of the official record which shows that he did not occupy the position which he is charged with having abused?

Every man who knows anything about tariff legislation knows perfectly well that for many years the practice has been that the majority members of the Committee on Ways and Means in the House of Representatives first make the tariff bill, and only submit it to the full committee after they have completed it. The minority is then permitted to read it and to criticize it; but they are not permitted to change it. The majority being responsible for the bill, make it to suit themselves and take their responsibility before the country. The same course of procedure is followed in the Senate, and neither Senator ALDRICH nor any other Republican Senator was permitted to even see the amendments to the Wilson tariff bill which were agreed upon by the Democratic majority until after they had finished their work. I do not complain that all men do not understand how tariff bills are made, because many good men have not taken the trouble to inform themselves in that respect; but when a man assumes to explain to the people how any particular bill was made he imposes upon himself the double duty of learning the truth and telling it.

Coming to the article in the last issue of this magazine, in which he assails my reputation and public services, he is guilty of even more vicious misrepresentations, if possible, than those he made about Senator Gorman. While he ought to have examined the official list of the Senate committees before attempting to name the chairman of the most important one, he may not have done so, and his misrepresentation, though inexcusable, may not have been intentional. No such extenuation, however, can be offered for his misrepresentation in respect to me, because he read the record which he distinctly misrepresents in some particulars and deliberately suppresses in others. His first accusation against me relates to a matter which was thoroughly investigated by the very legislature which elected me to the Senate, and it was shown to be so entirely unjust and absurd that the decent men among my most implacable enemies in Texas no longer discuss it. In order that the Senate and the country may understand how palpably and how grossly he has misrepresented that episode, I must be pardoned while I briefly recall it. In 1897 or 1898 a foreign corporation then transacting business in our State was convicted of violating that section of our antitrust law which prohibits exclusive contracts, and its permit was revoked. In the spring of 1900 that judgment was affirmed by the Supreme Court of the United States, and the officers of that corporation then sought to settle with the State by offering to pay whatever penalty might be considered a proper punishment, provided that they could continue their business in Texas. I was asked to intercede in their behalf, and, upon the distinct and positive assurance that the company was an independent one and not controlled by any trust, I advised our State officials to permit it, upon the payment of a fine commensurate with its offense, to continue its business in Texas.

The attorney-general, who was a college mate of mine and a true man in every sense, submitted to me the judgment of the court, and expressed the opinion that he could not, under the terms of that judgment, consent to such a settlement. After carefully examining the judgment I concurred in his opinion, and advised that the only lawful course was to dissolve the offending corporation and organize a new one; but that advice was given upon the understanding that when the new corporation came into the State it should obey our laws. Im-

mediately after that conversation I returned to Washington, and knew absolutely nothing further about the transaction until I read an attack upon the attorney-general in respect to it, when immediately and without the slightest hesitation I defended him, and avowed my responsibility by stating what I had advised. As so often happens in the bitterness of political strife, the circumstance was seized upon and magnified in many ways, and it was charged that I had received a fee ranging from \$50,000 to \$500,000, according to the imagination of the relater. Finally one man, who was more reckless than the rest and who happened to be a member of the Texas legislature, introduced a resolution directing an inquiry into my connection with the case. Every friend of mine in that legislature, with a single exception, would have voted against that resolution except for my earnest insistence. They contended—and they were right—that there was nothing in the matter which called for an investigation. They pointed out the fact that it was not contended that the matter was connected in the remotest degree with the legislation of Congress, and could not therefore by any possibility involve my official or personal integrity. To all of this my answer was that if the resolution were defeated the lies would multiply and some honest men would be misled into the belief that an inquiry would have revealed some misconduct on my part, and at last my friends in the legislature yielded to my view of the matter and voted for the investigation. A committee was appointed, consisting of four gentlemen who had supported me in my race for the Senate and three who had supported my opponent. That committee unanimously reported to the legislature exonerating me and our State officers from every shadow of an imputation.

Mr. President, it was a case in which there could have been no wrong. Had I chosen to accept employment in that case, I had a perfect right to do so, and I desire the Senate to know that I did not leave that question the subject of any doubt in the minds of that legislature. I told the committee in no spirit of defiance, but merely as a matter of proper self-respect, that I had a right to do all that I was accused of doing; and I will read to the Senate what I said to that committee of the legislature. Here it is:

I desire to have it understood in this connection that had I known that the Waters-Pierce Oil Company would be compelled to dissolve and resort to a legal reincorporation and that they would be pursued in the courts, I would not have hesitated one second about accepting employment from it and taking a fee, provided my labor as their attorney had not taken me from my public duties in Washington.

There could not have been the slightest question about my right to accept a fee to defend them in the courts so long as I believed that they were willing to obey our laws. There could not have been any possibility of their case coming before the body of which I was a member, and therefore neither my vote nor my official conduct could have influenced the decision of it, nor been influenced by their employment of me.

I am a lawyer, and I sincerely hope that I will never be such a political coward as to fear to defend any man or any business when I think their rights are assailed unjustly or with unnecessary severity. Neither am I such a fool as to really want to keep a legitimate business out of the State, nor such a demagogue as to pretend that I do.

With that statement before them, the committee, in the first instance, and the legislature, in the second instance, unanimously exonerated me from any misconduct.

Mr. President, the first misstatement in this magazine article relates to this—no, not the first misstatement, but the first misstatement in it which refers to my public service, relates to this very question of the investigation before the legislature. The writer of this article says:

McFall, however, on January 17, submitted an affidavit to the committee—

Mr. CARMACK. Who is McFall?

Mr. BAILEY. McFall was the member of the legislature who had introduced the resolution of inquiry.

McFall, however, on January 17, submitted an affidavit to the committee. He rehearsed the facts of the Waters-Pierce ejection from the State and charged—

"That by reason of BAILEY's influence and personal and political popularity and prestige, they (the Waters-Pierce Company) were enabled by a mere sham of dissolution and reincorporation to continue in business in Texas.

"That the said JOSEPH W. BAILEY did, on or about May 2, 1900, accompany H. C. Pierce, president of the Waters-Pierce Oil Company, to Waco for the purpose of holding a consultation with the county attorney of McLennan County, with a view of compromising said suits (the suits were for \$105,000 in fines); that the proposition of compromise by said Pierce was \$10,000 to the State in full of her claims and the payment of \$3,500 to the county attorney as an extra fee for advising the compromise; and that the said BAILEY indorsed said proposition and urged its acceptance."

Mr. President, the Senate has observed that this magazine writer declares that statement to be an affidavit. But any man who has the curiosity to look into the matter will find on page 137 of the house journal of the legislature of Texas, under date of January 21, 1901, the statement from which this magazine quotation is made, and there is not a semblance of an oath to support it.

I attach no particular importance to whether the statement was sworn to or not, because my observation leads me to believe that any man who will tell a lie will swear to it if he thinks it is safe to do so; but I am amazed to learn that a man who pretends to write so carefully as this magazine writer would have us believe he does, not only prints a naked allegation and describes it as an affidavit, but then suppresses a statement in the same report which shows that the man who is said to have made the affidavit declared to the chairman of the committee from his sick bed that he did not know a single fact or circumstance to sustain even that weak charge.

When the man who introduced this resolution was summoned by the committee to appear and sustain his charge, he retired to his home and went to bed, and instead of coming to answer the committee he sent day after day a doctor's certificate that he was unable to come. The committee finally instructed its chairman to go to his home and ascertain whether or not he was really sick. If he were not sick, then they would bring him to the Capitol, and if he were sick and still not too sick to testify they would go to his house and take his statement under oath. In obedience to the committee's instruction, the chairman repaired to the residence of this witness, and here is what the witness told the chairman to say to the committee and what the committee embodied in its report:

After the committee adjourned at noon on the 17th instant the chairman, the Hon. S. J. Hendrick, visited the Hon. D. A. McFall at the home of the latter, to ascertain how soon Mr. McFall would be able to appear before the committee and to testify, and the chairman reported to the full committee that Mr. McFall had requested him to say that it would be useless for the committee to prolong its session for the purpose of awaiting his evidence, because he could not swear to any fact or circumstance that would tend to establish the charges.

Mark you, Mr. President, the committee did not leave him to say whether he could swear to *any fact which would establish the charge*, but they put the question to him, as they had put it to other witnesses, if he knew any fact or circumstance which would tend to establish the charge, and his answer was that he did not. Yet this magazine writer incorporates the unsupported and unsworn statement of McFall in this article, and describes it as an "affidavit," concealing the fact that the same legislative record from which he took it contained the statement which I have just read in the hearing of the Senate.

This writer next declares, Mr. President, that there was a serious question in the legislature about my exoneration, and he says the final vote was 73 to 41. The final vote on the resolution, it is true, was 73 to 41, but stated in that way it is as misleading as a direct and positive falsehood would be. The truth about it is this: The committee made two reports, a majority report signed by six and a minority report signed by one. But both reports exonerated me and the State officials from all shadow of blame.

The difference was that the majority report, in addition to its exoneration of me, contained a resolution denouncing the liars—some of them were in that legislature—while the minority report, joining the majority in its exoneration of me, protested against the resolution denouncing the men who had calumniated me and the State officials. That was the only difference.

In the same report which this man read—I assume that he read it because he quotes from it, and if he did not read it he is that much more reckless in his work—he found this statement. After the majority report was submitted, they moved to substitute the minority, and on that motion the first vote was taken. Perhaps it is better that I should read the majority and the minority reports. I will not detain the Senate, of course, by reading the entire reports. The majority report concludes in this way:

Whereas the committee of the House of Representatives, appointed to investigate the charges against the Hon. J. W. BAILEY and certain State officials in connection with the readmission of the Waters-Pierce Oil Company into this State, have performed their duty; and

Whereas by the most diligent inquiry they have not been able to find a single fact or circumstance discreditable either to the Hon. J. W. BAILEY or to any State official, but, on the contrary, all of the evidence before said committee completely and overwhelmingly exonerates the Hon. J. W. BAILEY and all State officials from the charges of misconduct: Therefore, be it

Resolved by the house of representatives, That we denounce the malicious imputations and insinuations against the integrity of the Hon. J. W. BAILEY and our State officials as the most cruel, vindictive, and unfounded attack ever made upon the character of a faithful public servant in Texas.

The minority report begins as follows:

We, the minority of your committee appointed under the resolution introduced by the Hon. D. A. McFall, and adopted by the house on January 11, 1901, providing for the investigation of the facts relating to the dissolution and reincorporation of the Waters-Pierce Oil Company, its admission to do business in Texas, etc., agree to all the report of the majority, except wherein they recommend to the house the adoption of the proposed resolution.

There was absolutely no difference, Mr. President, between the majority and the minority upon the question of my exoneration.

The only controversy was as to the denunciation of the men who had instigated the political assault. Upon the motion to substitute the minority for the majority report the vote stood 44 to 70. The minority report was thus rejected, and the vote came upon the adoption of the majority report. The gentlemen who voted against it were the same gentlemen, with one exception, who had already voted for the minority report. I want to read to the Senate some reasons which were given by gentlemen who supported the minority report:

We vote for the minority report of the BAILEY investigating committee for the reason that we believe that it as fully exonerates Mr. BAILEY and any State officials as does the majority report, and casts no insinuations on the motives of any citizen of Texas who may have criticised the readmission of the Waters-Pierce Oil Company into Texas to do business, and who have questioned the propriety of Mr. BAILEY's connection therewith.

CLEMENTS.  
BEATY.  
MCCELLELAN.  
BRIDGERS.  
GREENWOOD.  
WILLINGHAM.

There were statements by other members of the legislature to the same effect, and so it is that when this writer says there was a serious division in the legislature of Texas over my exoneration he deliberately attempts to deceive the public.

He says:

BAILEY was elected Senator on the same day.

But he omits to say that I received 137 votes in that legislature, while only 6 were cast against me, and he omits also to say that after six years, during which this matter has been discussed until decent men have become disgusted with it, my next election to the Senate is as certain and will be as unanimous as the first.

But he says that all of this has happened because we have a political machine in Texas. He presumes upon the ignorance of the people who may read this article as to political conditions in Texas. It is the one Commonwealth of the Union in which a political machine has never yet been constructed, and in which a machine could never endure. And amongst all the men who have taken part in the politics of that great State, no one is more exempt from the charge of being a machine candidate than I was then or than I am now.

Mr. President, I never in my life organized a committee to promote my election to any office. No man ever contributed a dollar to secure either my nomination or my election. More than that, when I was a candidate for the Senate I appealed directly to the people. My demand was that in every county my candidacy and that of my opponent should be submitted to a direct vote in the primary, and that course prevailed in nearly every county. I canvassed that State for one month—as I now recall it, exactly one month—and I spent in that race for the Senate less than one month's salary.

I happen to remember it well. When I learned that my opponent had withdrawn I was at the depot in the town of Smithville, and my friends were congratulating me upon the cessation of the contest. One man said it would save me a great deal of work and a good deal of money. Another gentleman who stood by said it would save me a good deal of work, but it would not save me any money, because I was one of the kind that do not spend money in elections. After some little banter between the two, this friend asked me how much I had spent. I said that I left Washington with exactly one month's salary; and to settle their dispute I examined my book and found that I still had a \$20 bill left with some change in my pocket. Less than one month's salary in a Senatorial contest during which I canvassed the State for an entire month!

Mr. President, I was five times elected to the House of Representatives; I have been once elected to the Senate; and I have spent less money in all those elections than the man who owns this magazine spent, perhaps, in a single ward when he was a candidate for mayor in the city of New York. His sworn return shows, according to the papers, that he spent over \$60,000 in that contest. That is forty times as much as I ever spent in politics in all my life, and yet he talks about my machine and corrupt political methods. It is a matter of great satisfaction to me to say that there could be no surer way of inviting defeat in the State of Texas than for a man to use his money or to organize his machine.

Mr. President, if I needed any help in Texas this article would have contributed it. It so happens that every time it touches any question which relates to that State it is so obviously incorrect that even if what else it said about me had been true the people of Texas would not believe it, because, knowing that everything was false about which they possessed personal knowledge, they would naturally conclude that everything else was false.

The next specification which this magazine writer makes against me is entitled "The Indian Territory grab." Here is its first sentence:

Last April, when a huge Indian Territory coal, timber, and oil grab was on its stealthy way through the traitor Senate, under the auspices of the "merger," and under cover of fake railway-rate bill excitement, it was LA FOLLETTE, a new Senator from far-away Wisconsin, who exposed it.

Before the distinguished Senator from Wisconsin became a member of the Senate I had gone before the Committee on Indian Affairs and had urged that these mineral lands still belonging to the Indians should be reserved from sale and consecrated to the education of the children in that country. I said the same to the Senator from Wisconsin.

I do not sanction the statement that the provision which the Indian Affairs Committee brought into the Senate was a steal. I think that provision was supported by men as honest as the Senator from Wisconsin or I, but I do believe that it was an unwise disposition of those lands, and therefore I resisted it and throughout the contest over it I was cooperating with the Senator from Wisconsin. If he stopped a steal, I helped him, and I ask the Senator from Wisconsin to rise in his place and say whether or not we cooperated in that matter.

Mr. LA FOLLETTE. Mr. President, I take great pleasure in saying that I conferred with the Senator from Texas [Mr. BAILEY] before I offered any amendment or took part in any discussion in opposition to the sale or the disposal in any manner of the coal lands in the Indian Territory, and that I received from him valuable suggestions, advice, and cooperation in whatever I did or undertook to do with respect to those lands.

Mr. BAILEY. Mr. President, that is precisely the manly statement which I would expect from the Senator. We thoroughly agreed not only upon that, but upon other matters, to which I now desire to call the attention of the Senate.

Further on in this same paragraph this writer says:

And the amendment, which made it possible for home seekers to buy Indian lands, but impossible for corrupt corporations to grab them, was killed on a point of order.

Here, again, I was cooperating with the Senator from Wisconsin. The only difference between him and me was that he wanted those lands disposed of under the supervision of the Secretary of the Interior, in whose wisdom, I will say, he has more confidence than I have. I do not doubt the honesty of the Secretary of the Interior. If I had ever doubted it, he has done all that is necessary to remove that doubt. But I have always found that he was looking more after the Indians in the Indian Territory than the white population there. Perhaps that was his duty as Secretary of the Interior. But for years I have acted upon the theory that that was a white man's country, and that the law designed to preserve the Indian would tie the hands and retard the progress of the white man. That was the only difference between the Senator from Wisconsin and myself.

The difference between me and other Senators who insisted upon the point of order and opposed the amendment was, and only was, that they felt that if the restriction on alienation was continued the value of the land would greatly enhance, the benefit of which the Indian would obtain. My difference with them was simply this: That the lands would enhance in value enormously, but the Indian would not get the benefit of it, because in the meantime others would use and occupy it at a nominal rent; and believing that the Indian would not get the benefit in the end, I advocated the immediate sale of those lands, so that the present tenants in the Indian Territory might purchase it and become home owners. If any Senator or any citizen chooses to examine the CONGRESSIONAL RECORD of the 27th and 28th of April he will find that for two hours I stood on the floor of the Senate and plead for the privilege of those tenants there to buy this land now, and I warned the Senate that if these restrictions on its alienation were continued, the land would so greatly enhance in price that when the Indians could sell it a poor man would be unable to buy it. That was the argument I made from beginning to end.

Again, Mr. President, this writer says, under the caption of "Indian Territory grab:"

On the other hand, the CONGRESSIONAL RECORD so full of surprises for the careful reader, reveals that BAILEY has been, in his fourteen years at Washington, one of the chief introducers of Indian Territory railway and land bills—bills granting rights of way to railways, bills renewing, extending, and broadening charters.

He then proceeds to give a list of the bills of that character which I have introduced. It would not be singular if I had introduced more bills affecting the Indian Territory than any other Senator or Member. I live within 7 miles of the border line between the Indian Territory and Texas. That Territory has no Representative or Delegate in Congress. It has no Senator in this body. If bills are introduced permitting its development, Senators and Representatives from other States

must introduce them. And yet, Mr. President, I was always careful about introducing any bill relating to the Indian Territory, and the RECORD shows what this magazine conceals, that I introduced every bill it enumerates, with a single exception, by request, and they were marked "by request," thus disavowing all responsibility for it. When a citizen of my State sends me a bill and asks me to introduce it, if I have time to examine it and it commends itself to my judgment, I introduce it on my own responsibility. But if I do not have the time to examine it, or if after examining it I do not approve it, I do as every other careful Senator and Representative does—I mark it "by request."

Mr. President, the only bill in this list which I did not introduce by request was for the Gainesville, McAlester and St. Louis Railroad. That was a corporation organized by the most reputable business men in the town where I live, for the purpose of building a railroad from my home to the coal fields of the Indian Territory. I know every man connected with it, and I was so thoroughly and heartily in sympathy with the project that I would have been one of the incorporators except for the fact that being a member of Congress it was necessary for me to obtain the charter, and for that reason I was unwilling to have even a nominal connection with it. Can any man believe that a sound-minded Senator or Representative would refuse to introduce a bill which allowed his own people to build a railroad that would bring cheap fuel to his neighbors? Fuel is an important item in the prairie country of northern Texas, and a Representative who would not have proposed a proper bill enabling his neighbors and his constituents to lighten their fuel cost would have been recreant to their best interests and to his plain duty.

Again, this man says:

All the measures introduced by BAILEY looked well enough; no doubt many of them were harmless enough in and of themselves; no doubt many of them might have been most beneficent if properly investigated and freed of all sly looting schemes.

In this article he testifies to the integrity and efficiency of the Secretary of the Interior, and perhaps it will console him to know that every one of those bills was referred to the Interior Department before it was even reported favorably by any committee, and if they were not properly "freed from looting schemes" the fault lies with the Secretary of the Interior, to whom the writer gives a certificate of high character. The Secretary of the Interior is one of the few men whom he praises, and that moves me to suspect that the Secretary of the Interior is one of the few men who do not stand in the way of somebody's ambition.

The next charge against me is that I spent some of the present session in discussing "the fake railroad rate bill." I will not insult the intelligence of the American people by answering that grave charge. It is rather a high compliment to me that after five months of diligent quest they have found no more serious charges than these. They have raked the gutters from Houston, Tex., to New York, coming by way of Lexington, Ky., and not forgetting the horse-training stables there, and the end of it is a feeble attempt to infer some wrong.

He makes another charge. He says I was opposed to the pure-food bill, and here is the way he testifies to my constituents that I was right:

The Gorman, or the so-called "Democratic" gang reaches the same end of protecting the plutocracy by the way so long used by and for the antebellum slavocracy.

That is a mild appeal to the dead prejudices of the North; but it will affect nobody except some one who is so simple-minded as to believe what he finds in the Cosmopolitan Magazine. This writer then adds:

The Constitution must be *strictly* interpreted; the rights of the States must not be violated!

And he puts an exclamation mark there, as if to evidence his abhorrence of such a doctrine. Mr. President, whether it was used by what he calls the "slavocracy" or not, I cheerfully range myself upon the side of the men who believe in a strict construction of the Constitution and in a sound defense of the doctrine of States rights, and I welcome him, as I welcome every man, to make all the capital against me he can out of that circumstance.

It will surprise some people to know that this is the sum of all that was said about my public career or in reference to my political connection in an article which for five long months has been advertised as a coming sensation. He says some other things about my business and professional career to which I make no reply. He says that I practice law successfully, in that I make money. If he will ask my clients, he will also find that I have practiced law successfully in the way of protecting their interests. If that is a crime, it is time the country should know it. Mr. President, I despise those public men who think they must remain poor in order to be considered honest. I am

not one of them. If my constituents want a man who is willing to go to the poorhouse in his old age in order to stay in the Senate during his middle age, they will have to find another Senator. I intend to make every dollar that I can honestly make, without neglecting or interfering with my public duty; and there is no other man in this country who would not do the same, if he has sense enough to keep a churchyard.

I have been in Congress fourteen years, and the man does not live who can put his finger upon a speech or vote that I have ever made or cast in the interest of my clients and against the interest of my constituents.

This man says himself—I dislike a little to call him as a witness, but surely he will not be deemed a witness partial in my favor—beginning the very second paragraph of his article:

Of course, in the House, in the Senate, and on the stump, BAILEY has spoken as strenuously for people and country as any other politician.

No man would be willing to say in the presence of men who know the truth that I have ever spoken one way and voted another. There is the record. It is an open book, fourteen years long, and not a single instance can be found where I have spoken and voted differently.

This man says I speak for country and people. As I vote like I speak, then I must vote for country and people. And yet though I have spoken for country and people and voted for country and people, he asks the men in whose service I work day and night to believe that I have betrayed their interests.

Mr. President, perhaps I owe the Senate and the country an apology for having dignified this screed by noticing it in the Senate. I have done it against the advice of nearly all my friends, but I have done it under a solemn sense of obligation to the public.

I want to say this: It may have been somewhat barbaric, but I believe in the old civilization, under which when a man slandered you you had a right to call him to answer for it. But I recognize that I live in another civilization, which does not permit that course. I want also to say to the country that the very fact that these attacks are permitted to pass unchallenged encourages men to make them. They misstate the record. They suppress the truth. Why? Because they feel that the men whom they attack will sit silent under their misrepresentations.

But, Mr. President, it is reassuring, even when we think of this, to remember that they constitute only a small per cent of the magazines and newspapers of the land. As in every neighborhood we find men and women who are banished for their evil habits from decent association, so in the midst of the splendid publications striving to enlighten, uplift, and glorify mankind, we must not despair when we find such as this. They can no more corrupt the mind of the American people than the degenerate amongst men and women can degrade society.

Even in my most resentful mood against papers and publications like this I have never seen the time when I would abridge the just freedom of the press. I believe that the light ought to beat fiercely on every man who occupies a high position, but in God's name let it be the white light of truth without the taint of yellow in it.

These men do harm, almost unmeasured harm; but they do it in another way, and that other way is this: They slander the upright, and therefore when reputable publications accuse the treacherous the public are incredulous about the charge. No men have ever done the rascals a greater service than those who try to make the people believe that all men are rascals. That creed can never find acceptance in this land, and the only effect of such teaching is that at last the pendulum swings back to the other extreme, and the people conclude that nobody is half as bad as they are painted.

Such publications as this ought to be scourged by decent magazine writers from the company of well-behaved men and women. They ought to be outlawed, as it were, in a literary sense, and left to suffer under the contempt, into which they unjustly sought to bring honest men.

Mr. President, there is one other matter which I wanted to call to the attention of the Senate, but I have almost overlooked it. The day after this article appeared in the magazine, to which Mr. HEARST's name is not attached, there appeared an editorial in the Evening Journal, to which Mr. HEARST's name is attached. It is a double column of mendacity and malice, and yet the only direct averment against my public service is that I have voted to give away the public lands to corporations; and he says that in the face of the RECORD, which shows that I never voted to give an acre of public land to any corporation in my life.

This article is not altogether political; it is a little commercial. Listen to this: And remembering that Mr. HEARST owns the magazine, for whose bonds he stands a guarantor to the extent of

\$500,000, we can easily understand what interest he has in its financial prosperity. So he tells his readers through his paper:

We believe that a majority of our leading citizens will read Mr. Phillips's entire article for their own information, and we urge them to purchase the July Cosmopolitan and do so.

There is some thrift mixed with a little politics. HEARST's magazine prints a slander against a man, and then HEARST's newspaper advises those who read it to buy the magazine; and this editorial not only appeared in his New York publication, but it appeared in his Chicago one as well.

Mr. President, it is a great temptation for me to say what I think about these people, but that would offend the dignity and propriety of the Senate, and I forbear. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must inform the occupants of the galleries that applause is not permitted under the rules of the Senate.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. Mr. President, I rise to make a privileged statement in regard to the conference upon the agricultural appropriation bill and the differences between the House and the Senate referred to the other day here. We had agreed in conference upon all the items except the one in regard to meat inspection and one minor one, which we doubtless could have agreed upon, but the House conferees—

Mr. HALE. Mr. President—

The VICE-PRESIDENT. The Senator from Vermont will suspend until the Senate is in order. The Senate will please be in order.

Mr. HALE. This is a very important statement that the Senator from Vermont is making, and every Senator ought to hear it.

Mr. PROCTOR. The conferees on the part of the House positively refused to consider any proposition of compromise upon this point of the meat inspection. The Senate conferees submitted a proposition for a compromise. The provision of the House, which appropriates \$3,000,000 for the cost of inspection, is as follows:

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

The conferees on the part of the Senate proposed as a compromise that there be added to the above the following:

The entire cost of inspection shall be paid from this appropriation, but to reimburse the Treasury for the expense incurred for the inspection of meat food products subsequent to the inspection of the live animal and the carcass, the Secretary of the Treasury shall, upon the return to the Secretary of Agriculture of the number of animals inspected and examined under the provisions of this act, collect and deposit in the Treasury a fee of 5 cents each for every head of cattle inspected and examined, and 3 cents for each head of sheep, swine, and goats so inspected and examined, and he shall publish the necessary rules and regulations for carrying out this provision.

This the House conferees positively refused to consider, or any other proposition, insisting that we accept absolutely the provision that they submitted.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Maine?

Mr. PROCTOR. I do.

Mr. HALE. Can the Senator tell the Senate from any estimate he has made what portion of the \$3,000,000 appropriated by the Government would be reimbursed or returned to the Treasury from the source that he has indicated?

Mr. PROCTOR. One-half, perhaps a little more, would be reimbursed and paid into the Treasury.

I might say, further—I think it is justifiable under the circumstances to say—that they not only positively refused to join in any report—for we had agreed upon everything substantially except this item—so far as we had agreed and assent to another conference, but they took a position that involves the failure of the bill unless we yielded everything they asked.

Mr. HALE. Is it not then the practical result that if the House conferees maintain their ground and refuse further conference and refuse all propositions all legislation is arrested on the subject?

Mr. PROCTOR. It is, Mr. President. It seems so to me. There can be no doubt of it.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Minnesota?

Mr. PROCTOR. I do.

Mr. NELSON. What result, if any, did the conference reach as to the date on the label—as to the labeling?

Mr. BEVERIDGE. The date on the cans.

Mr. PROCTOR. We did not reach that point. The other came up first. We reached it only so far as this, that they insisted upon the whole. We did not discuss that. There was no chance for a compromise upon that. It must be with the date or without it, but their insistence was upon the entire measure as they proposed it.

Mr. NELSON. They would not yield on any point?

Mr. HALE. For the present, then, there is nothing further that the Senator or his fellow-conferees representing the Senate can do but to await action on being called together again by the House conferees. Has the Senator any programme other than that?

Mr. PROCTOR. None whatever, Mr. President. I see nothing whatever that the conferees on the part of the Senate can do. There was a positive refusal to join in any report, although everything had been agreed to substantially except this one item.

Mr. HALE. If the Senator will allow me, I think the Senate is indebted to the Senator from Vermont for stating just what the situation is upon this most important matter, and my impression is that for the present we will do well to leave it there. Overnight or in the morning something may come from the House conferees to open the question. I should like myself to have the opportunity given. Without any hasty action here which would perhaps tend to further inflame the condition, I should prefer to have the matter stand just as it is overnight, and in the morning we will see whether anything further can be done.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PROCTOR. I do.

Mr. GALLINGER. With the consent of the Senator from Vermont, I want to ask the Senator from Maine, who is, as he frequently says of other Senators, an old legislator, and has had very much to do with appropriations, whether, in his experience, there have been many cases similar to this, where the conferees of one body refused to have a bill reported to the Houses showing the points upon which an agreement had been reached?

Mr. HALE. In my official life here in the Senate I have known but one case. I recall a case which I think may have been similar to this. It was a long controversy upon the naval appropriation bill. I think perhaps other old Senators who were here at the time will remember it. In that case my recollection is that the House conferees declined a further conference and declined to submit any further report.

The processes provided by the rule are agreement, disagreement, or insistence, or, finally, adherence. The rule provides that either House, when it is determined upon a certain course on an amendment or a statute, can close the matter up, so far as any further steps are taken, by voting to adhere. That is a notice to the other House that the House voting to adhere will have no further conference and nothing else except what it desires.

One reason why I suggested that no hasty action be taken now is that when this goes back, not as a conference report, but as a statement to the House, I should hope that the reasonable men in that body—and there are plenty of them—will not proceed to the extremity of voting to adhere, and that out of reflection, as in a thousand cases that occur in all our lives, will come a feeling that upon this important matter no pride of opinion and no pride in the body shall prevent some salutary legislation.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. I do.

Mr. HEMENWAY. I wish to make an inquiry before the Senator from Vermont yields the floor.

Mr. BEVERIDGE. I desire to ask the Senator from Vermont a question, merely whether the Senate is to understand the Senator from Vermont as reporting that the House conferees would rather see the entire bill defeated than to yield upon any point or modify any point of the bill. That, it strikes me, is an exceedingly important statement.

Mr. HOPKINS. Mr. President—

Mr. BEVERIDGE. I want to know if I correctly understood the Senator.

Mr. HOPKINS. That is for the Senator to answer, but it seems to me that the language used by the conferees on either side ought not to be bruited about in either the House or the Senate if they do not agree.

Mr. BEVERIDGE. The statement was made, and I think it is important to know whether that is the attitude. We want to know what the situation is.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PROCTOR. Allow me to reply to the Senator from Illinois. I made the statement that their position involved the failure of the bill, as will be seen by the RECORD. I stand by that statement. Whether it is proper or not, it is true.

Mr. HOPKINS. Well, Mr. President, I think it only fair to the House members of the conference committee that the Senator should state the explicit and forceful language he used on that proposition. This is a matter as to which I think the Senate ought not to condemn the House conferees for language they have used without an opportunity of their being heard to show whether there was any provocation for language of that kind.

Mr. PROCTOR. Mr. President, I can say—

Mr. NELSON. I think the Senate ought to know.

Mr. PROCTOR. I wish to reply to the Senator from Illinois [Mr. HOPKINS]. I can say, for once, that the conduct of the Senate conferees was entirely amiable. We said nothing to bring out such an earnest statement from the House conferees.

Mr. HALE. You were modest.

Mr. PROCTOR. We are always so.

Mr. WARREN. Mr. President—

Mr. PROCTOR. Wait a moment. We simply asked if we could make a report of conditions—what was agreed to and what would be disagreed to. The House conferees positively declined to assent to that. Everything we said was in the direction of trying to come to an amicable agreement.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. PROCTOR. I do.

Mr. HOPKINS. The reason I made my suggestion along the line I did was that, if we are to get a bill, there must be an agreement between the conferees of the Senate and of the House, and if the language of the conferees of the House is given in the Senate and they are denounced, it seems to me that that sort of thing is not something that will placate them and make them the more readily agree. We know, Mr. President, that they are reasonable men, the same as are the conferees on the part of the Senate, and that they have no opportunity of being heard upon this floor. I think the discussion should be limited to the attitude of the Senate conferees, without any reflection on the conferees on the part of the House.

Mr. PROCTOR. I have not intended, Mr. President, to reflect upon the House conferees. I have merely stated what they said. Now I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I did not hear the first statement made by the Senator from Vermont as to what is the condition.

Mr. PROCTOR. That the House conferees refused to join in any report unless we agreed absolutely to their propositions.

Mr. WARREN. In regard to what?

Mr. PROCTOR. In regard to the meat-inspection amendment principally, although there was one other matter in dispute.

Mr. WARREN. Then, as I understand, the conferees have agreed upon all matters but those?

Mr. PROCTOR. Yes.

Mr. WARREN. Mr. President, if the Senator will allow me just a word, I will say that I think the advice of the Senator from Maine [Mr. HALE] is good, as it always is, and I am generally willing to follow his advice. In this meat-inspection matter we have a condition which is, I believe, unprecedented in legislation. I recall nothing that has happened since I have been a member of this body, and I do not recall ever having heard or read of any, where a proposition involving millions and millions of dollars, at the last moment, without consideration by any committee or the Senate, was submitted and attached as an amendment to an appropriation bill without a word of debate. Such action creates a condition that naturally would cause a wide difference between the Senate and the House of Representatives.

The Senate did not carefully consider the matter, but desiring to correct one evil in a hurry and without much thought, it

agreed to the amendment on this floor in a matter of four or five minutes; while, on the other hand, the Agricultural Appropriation Committee of the other House, consisting of some seventeen or nineteen men, practical farmers and practical business men, entered into hearings and the taking of testimony on the subject. They had the matter under earnest and attentive consideration for weeks, and after the hearings, the taking of evidence, and full discussion the committee brought in a substitute amendment, as it had a right to do, and the House agreed to the same. It seems to me, under these circumstances, we can afford to be very patient, and I do not know but we can afford to be rather more than patient with those who are evidently trying to do their duty, and who have at least behind them the proof of their earnestness and attention in their long and laborious work in connection with this subject.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. I do.

Mr. LODGE. I merely desire to ask a question, Mr. President, to see whether I apprehend the situation correctly. The conferees having been unable to agree on a certain proposition in the agricultural appropriation bill, I understand the Senate conferees proposed to report a disagreement?

Mr. PROCTOR. Yes.

Mr. LODGE. And that was absolutely refused. So they are unable to report a partial agreement, a complete disagreement, or a complete agreement, and they are not allowed to go to their respective Houses for instructions. That is the point. It is not a conflict between the Senate and the House. It is because the House conferees will not permit the Senate and the House to pass on what is still in dispute.

Mr. HEMENWAY. Mr. President, I want, as a Senator here, to protest against the discussion by a member of this body of what occurs in a conference committee. A Member of the other House can not speak for himself here; he can not stand up and say that this did not occur or that something else equally as bad did occur upon the part of the Senate conferees.

I served on many conference committees while I had the honor of being a Member of the House of Representatives; and while I have no desire to criticise, I have never yet stood up in that body and said the conferees on the part of the Senate said so and so, because the conferees on the part of the Senate had no power or right on the floor of the House to answer my charge. So the conferees on the part of the House have no right here to reply to statements made by Senators as to what occurred in conference.

I desire to put this question to the Senator from Maine [Mr. HALE], who has had long experience on conference committees: Is it not the rule of conferences that where legislation is placed upon an appropriation bill the body seeking to legislate must recede if the other body dissent? There is no place upon an appropriation bill, as a rule, for legislation. We talk about things getting through the Congress of the United States without notice. They get through sometimes by putting them into a bill of perhaps 300-odd pages, and driving them through. I am not in sympathy with the idea that legislation can be placed upon an appropriation bill as this legislation was, whether it be good or bad, without discussion.

Mr. WARREN. Will the Senator allow me?

The VICE-PRESIDENT. The Senator from Vermont [Mr. PROCTOR] is entitled to the floor. Does he yield to the Senator from Wyoming?

Mr. PROCTOR. I do.

Mr. WARREN. If the Senator will allow me, I want to ask the Senator from Indiana [Mr. HEMENWAY], who has served on a great many conference committees, a question in relation to this matter. This is the case of a bill coming here originally from the House and the Senate adding on a new appropriation, both enlarging the agricultural appropriation bill as to expenditures and enacting new legislation. If, under such circumstances, the other House resist, is it not the rule that the Senate should recede? If, in other words, legislation is put on in either House and submitted to the other, and the House to which it is submitted insists upon disagreeing to it, is not the House placing it there in duty bound to recede?

Mr. HEMENWAY. In my judgment—and I believe the Senator from Maine will agree with me—either body which places legislation upon an appropriation bill must recede if the other House insists that it shall.

Mr. PROCTOR. Mr. President, I submit that that is not this case. Where we put legislation upon an appropriation bill, if the other House oppose that, it might be our duty to recede, but they do not oppose that. They propose a substitute, to

themselves legislate. I insist that it is an entirely different case.

Mr. HEMENWAY. Then there is a disagreement.

Mr. PROCTOR. There is a disagreement, and that is all.

Mr. WARREN. And it is incumbent upon them either to agree or to disagree.

Mr. CULLOM. Mr. President, I understand from the statement of the Senator from Vermont [Mr. PROCTOR] that he is not asking anything at this time. He simply comes here and states what the condition is. The Senator from Maine [Mr. HALE], very properly, I think, advised him to let the thing go over until to-morrow morning, and in the meantime one side or the other may think of something that will bring them together again. That is all there is in this case.

Mr. PROCTOR. That is what I propose to do, Mr. President. I did not think of asking for any action on the part of the Senate at this time.

Mr. HALE. Mr. President, as I have been appealed to by the Senator from Indiana [Mr. HEMENWAY] to state what is my experience, I will state that when either House puts in an appropriation bill legislation it can not force the other House to agree, but it must in the end recede if the proposition is one that the other House will not at all agree to. In this case it seems to me, from the very clear and guarded statement of the Senator from Vermont, that it is not a question of the House resisting absolutely and declaring that nothing shall go on the bill, but it is a question of agreeing between the two bodies as to what legislation shall be adopted different from what the Senate has put on. I do not think we take any profit by further inflaming the situation. To test the sense of the Senate that for the present this matter shall stand, I move that the Senate adjourn.

Mr. BLACKBURN. Mr. President—

Mr. CULLOM. I hope the Senator from Maine will not make that motion, but will let us have an executive session.

Mr. HALE. If it is desirable to have an executive session, I will not insist upon the motion.

Mr. BLACKBURN. I have a conference report which I desire to make.

Mr. HALE. Then I withhold the motion for the present.

#### PROTECTION OF WILD BIRDS AND ANIMALS IN THE DISTRICT.

Mr. BLACKBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

JO. C. S. BLACKBURN,  
J. H. GALLINGER,  
THOMAS S. MARTIN,

*Managers on the part of the Senate.*

P. P. CAMPBELL,  
E. L. TAYLOR,  
T. W. SIMS,

*Managers on the part of the House.*

The report was agreed to.

#### UNLADING OF BONDED MERCHANDISE.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

J. H. GALLINGER,  
GEO. C. PERKINS,

*Managers on the part of the Senate.*

SERENO E. PAYNE,  
JOHN DALZELL,

*Managers on the part of the House.*

The report was agreed to.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After forty-two minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOWELL of New Jersey, Mr. BONYNGE, and Mr. BURNETT managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. DENBY, and Mr. HOWARD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes; and it was thereupon signed by the Vice-President.

PURE-FOOD BILL.

Mr. HEYBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 88) entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

"That it shall be unlawful for any person to manufacture, sell, or offer for sale within any Territory or the District of Columbia, or deliver for shipment or to cause to be delivered, shipped, or transported from within any State, Territory, or District of Columbia to any State, Territory, or District of Columbia or foreign country any article of food, drugs, medicines, or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

"Sec. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications

or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

"Sec. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

"Sec. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"Sec. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia, shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"Sec. 6. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

"Sec. 7. That for the purposes of this act an article shall be deemed to be adulterated:

"In case of drugs:

"First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

"Second. If its strength or purity fall below the professed standard or quality under which it is sold.

"In the case of confectionery:

"If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

"In the case of food:

"First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"Second. If any substance has been substituted wholly or in part for the article.

"Third. If any valuable constituent of the article has been wholly or in part abstracted.

"Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

"Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"Sec. 98. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded—

"In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article.

"Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

"Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

"Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose

their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

"Sec. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

"Sec. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

"Sec. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"Sec. 12. That the term 'territory' as used in this act shall include the insular possessions of the United States. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association,

within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"SEC. 13. That this act shall be in force and effect from and after the first day of January, nineteen hundred and seven."

That the House recede from its amendment to the title and agree to the title as passed in the Senate.

W. B. HEYBURN,  
P. J. McCUMBER,  
A. C. LATIMER,

*Managers on the part of the Senate.*

W. P. HEPBURN,  
JAMES R. MANN,  
W. H. RYAN,

*Managers on the part of the House.*

Mr. HEYBURN. I move that the report be printed in the RECORD, printed as a document, and that it be printed as a bill in bill form.

The motion was agreed to.

JAMES N. ROBINSON AND SALLIE B. M'COMB.

Mr. FULTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with amendments as follows: Strike out in each amendment the words "two thousand five hundred" and insert the words "three thousand two hundred and fifty;" and agree to the same.

The effect of both of these amendments is to make the allowance under the bill \$3,250 instead of \$5,000, as the bill originally passed the House, and instead of \$2,500, as the bill passed the Senate.

C. W. FULTON,  
J. A. HEMENWAY,  
THOMAS S. MARTIN,

*Managers on the part of the Senate.*

THEO. OTJEN,  
G. M. HAUGEN,  
T. W. SIMS,

*Managers on the part of the House.*

The report was agreed to.

#### UNITED STATES COURT IN CHINA.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SPOONER. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. SPOONER, Mr. KEAN, and Mr. BACON as the conferees on the part of the Senate.

#### REGULATION OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DILLINGHAM. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. DILLINGHAM, Mr. PENROSE, and Mr. McLAURIN as the conferees on the part of the Senate.

HELEN C. SANDERSON.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was

read, and, with the accompanying bill, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of the 26th instant, I return herewith Senate bill No. 3028, entitled "An act granting an increase of pension to Helen C. Sanderson."

THEODORE ROOSEVELT.

THE WHITE HOUSE, June 27, 1906.

SAMUEL H. DAVIS.

Mr. McCUMBER. I move to reconsider the vote by which the bill (H. R. 18905) granting an increase of pension to Samuel H. Davis was passed.

The motion to reconsider was agreed to.

Mr. McCUMBER. I move that the bill be postponed indefinitely, another bill having already been signed by the President giving a pension to the same beneficiary.

The motion was agreed to.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 28, 1906, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate June 27, 1906.*

##### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet George William Kleineberg, of California, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress, approved June 23, 1906.

Cadet Archibald Howard Scally, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress, approved June 23, 1906.

Chief Engineer John Quincy Walton to be a constructor in the Revenue-Cutter Service of the United States, in accordance with the act of Congress, approved June 23, 1906.

##### CONSULS, ETC.

William Coffin, of Kentucky, to be consul of the United States of class 9 at Maskat, Oman, to fill an original vacancy.

Louis J. Rosenberg, of Michigan, to be consul of the United States of class 7 at Seville, Spain, vice Richard M. Bartleman, promoted to be consul-general at large.

Robert J. Thompson, of Illinois, to be consul of the United States of class 7 at Hanover, Germany, vice Jay White, promoted to be consul-general of class 6 at Bogota.

William C. Tiechmann, of Missouri, to be consul of the United States of class 8 at Eibenstock, Saxony, to fill an original vacancy.

William J. Yerby, of Tennessee, to be consul of the United States of class 9 at Sierra Leone, West Africa, vice John T. Williams, resigned.

Peter Augustus Jay, of Rhode Island, now secretary of the legation at that place, to be secretary of the embassy of the United States at Constantinople, Turkey.

Lewis Einstein, of New York, now second secretary of the legation at that place, to be second secretary of the embassy of the United States at Constantinople, Turkey.

Thomas Ewing Moore, of the District of Columbia, now secretary of the legation and consul-general to Roumania and Servia, for promotion to be secretary of the legation of the United States at Peking, China, vice John Gardner Coolidge, resigned.

Montgomery Schuyler, jr., of New York, now secretary of the legation and consul-general at Bangkok, to be secretary of the legation and consul-general to Roumania and Servia, vice Thomas Ewing Moore, nominated for promotion to be secretary of the legation at Peking.

Irwin B. Laughlin, of Pennsylvania, now second secretary of the legation at Tokyo, to be secretary of the legation and consul-general of the United States at Bangkok, Siam, vice Montgomery Schuyler, jr., nominated to be secretary of the legation and consul-general to Roumania and Servia.

Norman Hutchinson, of California, now secretary of the legation at Caracas, to be secretary of the legation of the United States at Stockholm, Sweden, to fill an original vacancy.

##### APPOINTMENT IN THE ARMY.

Col. Walter T. Duggan, First Infantry, to be brigadier-general from June 26, 1906, vice Baldwin, retired from active service.

##### MEMBER MISSISSIPPI RIVER COMMISSION.

Maj. James L. Lusk, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a Mississippi

River Commission for the improvement of said river from the Head of the Passes near its mouth to its headwaters," vice Col. Oswald H. Ernst, Corps of Engineers, United States Army, to be retired.

#### COMMANDERS IN THE NAVY.

I nominate the following-named commanders to take rank as commanders in the Navy from the dates set opposite their names, to correct the dates of their promotion as nominated on June 25, 1906, caused by a clerical error in submitting their nominations, which nominations are withdrawn:

John L. Gow, to take rank from May 26, 1906;  
George R. Clark, to take rank from June 6, 1906; and  
George E. Burd, to take rank from June 12, 1906.

I nominate the following-named commanders to take rank as commanders in the Navy from the dates set opposite their names, to correct the dates of their promotion as confirmed June 23, 1906, which was caused by a clerical error in submitting their nominations:

Albert N. Wood, to take rank from February 12, 1906;  
Edward Lloyd, jr., to take rank from February 19, 1906;  
Richard M. Hughes, to take rank from February 28, 1906;  
Frank W. Bartlett, to take rank from April 13, 1906; and  
Frederick C. Bieg, to take rank from May 13, 1906.

#### POSTMASTERS.

##### ALABAMA.

Charles Doud to be postmaster at Sheffield, in the county of Colbert and State of Alabama, in place of Alice Pardue. Incumbent's commission expired January 21, 1906.

Felix T. Hudson to be postmaster at Auburn, in the county of Lee and State of Alabama, in place of Annie L. Dillard. Incumbent's commission expired January 20, 1906.

A. G. Negley to be postmaster at Florence, in the county of Lauderdale and State of Alabama, in place of James T. Pitt, removed.

W. W. Pridgen to be postmaster at Evergreen, in the county of Conecuh and State of Alabama, in place of Sanford B. Strout. Incumbent's commission expired March 21, 1906.

William A. Warner to be postmaster at New Decatur, in the county of Morgan and State of Alabama, in place of Eli P. Jennings. Incumbent's commission expired February 10, 1906.

##### ARIZONA.

J. Knox Corbett to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in place of J. Knox Corbett. Incumbent's commission expires June 30, 1906.

##### CONNECTICUT.

George A. Lemmon to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut, in place of George A. Lemmon. Incumbent's commission expires June 30, 1906.

##### DELAWARE.

George B. Ruos to be postmaster at Bridgeville, in the county of Sussex and State of Delaware, in place of James H. Maull. Incumbent's commission expires July 1, 1906.

W. Scott Walls to be postmaster at Georgetown, in the county of Sussex and State of Delaware, in place of James H. Maull. Incumbent's commission expired June 10, 1906.

##### IDAHO.

Harry W. Ingalls to be postmaster at Mullan, in the county of Shoshone and State of Idaho, in place of John H. Newbury, resigned.

##### ILLINOIS.

Daniel E. Keen to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois, in place of Daniel E. Keen. Incumbent's commission expired May 21, 1906.

##### INDIANA.

John M. Johnston to be postmaster at Logansport, in the county of Cass and State of Indiana, in place of William W. Moss. Incumbent's commission expired June 19, 1906.

##### IOWA.

Arthur S. Hazelton to be postmaster at Council Bluffs, in the county of Pottawattamie and State of Iowa, in place of Arthur S. Hazelton. Incumbent's commission expired June 19, 1906.

##### KANSAS.

T. A. Dilley to be postmaster at Sterling, in the county of Rice and State of Kansas, in place of Rufus F. Bond. Incumbent's commission expires June 28, 1906.

W. H. Jones to be postmaster at Lyons, in the county of Rice and State of Kansas, in place of Martin L. Grimes. Incumbent's commission expires June 28, 1906.

Marshall M. Murdock to be postmaster at Wichita, in the county of Sedgwick and State of Kansas, in place of Marshall M. Murdock. Incumbent's commission expired June 25, 1906.

James D. Smith to be postmaster at West Mineral, in the

county of Cherokee and State of Kansas. Office will become Presidential July 1, 1906.

##### MASSACHUSETTS.

Charles A. Wilbar to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts, in place of Charles A. Wilbar. Incumbent's commission expired June 24, 1906.

##### MICHIGAN.

Fred N. Potter to be postmaster at Alpena, in the county of Alpena and State of Michigan, in place of Lemuel G. Dafeo. Incumbent's commission expires July 1, 1906.

##### MISSOURI.

Delia Crowder to be postmaster at Lexington, in the county of Lafayette and State of Missouri, in place of James M. Crowder, deceased.

##### NEBRASKA.

W. P. Hall to be postmaster at Holdrege, in the county of Phelps and State of Nebraska, in place of Charles W. McConaughy, resigned.

Romaine A. St. John to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska, in place of William A. Rodgers, resigned.

##### NEVADA.

Walter R. Bracken to be postmaster at Las Vegas, in the county of Lincoln and State of Nevada. Office will become Presidential July 1, 1906.

##### NEW MEXICO.

Henry H. Carter to be postmaster at Las Cruces, in the county of Dona Ana and Territory of New Mexico, in place of Allen J. Papen. Incumbent's commission expired February 10, 1906.

Harry W. Hamilton to be postmaster at Artesia, in the county of Eddy and Territory of New Mexico. Office became Presidential January 1, 1906.

John M. Wiley to be postmaster at Silver City, in the county of Grant and Territory of New Mexico, in place of Artie E. Galloway. Incumbent's commission expired February 10, 1906.

##### NORTH CAROLINA.

Seymour W. Hancock to be postmaster at Newbern, in the county of Craven and State of North Carolina, in place of Seymour W. Hancock. Incumbent's commission expires July 1, 1906.

##### OHIO.

Abner Allison to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio, in place of Abner Allison. Incumbent's commission expired March 21, 1906.

##### OKLAHOMA.

W. H. Cleveland to be postmaster at Mountain View, in the county of Kiowa and Territory of Oklahoma, in place of Herbert C. Huber. Incumbent's commission expired February 10, 1906.

Jabez A. Felt to be postmaster at Hennessey, in the county of Kingfisher and Territory of Oklahoma, in place of Jabez A. Felt. Incumbent's commission expired January 20, 1906.

Elliott F. Hook to be postmaster at Walter, in the county of Comanche and Territory of Oklahoma. Office became Presidential October 1, 1905.

Wallace R. Kelley to be postmaster at Kingfisher, in the county of Kingfisher and Territory of Oklahoma, in place of Emily McKinley, resigned.

Milburn M. McCoy to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma, in place of Milburn M. McCoy. Incumbent's commission expires June 30, 1906.

Charles G. Wattson to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma, in place of George F. Wattson. Incumbent's commission expired February 10, 1906.

##### PENNSYLVANIA.

William D. Boyd to be postmaster at Mars, in the county of Butler and State of Pennsylvania, in place of John B. Dickey, deceased.

W. L. Gouger to be postmaster at Danville, in the county of Montour and State of Pennsylvania, in place of Charles P. Harder. Incumbent's commission expired March 18, 1906.

William W. Henderson to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania, in place of William W. Henderson. Incumbent's commission expires June 30, 1906.

David A. Templeton to be postmaster at Washington, in the county of Washington and State of Pennsylvania, in place of William H. Underwood. Incumbent's commission expired March 10, 1906.

George E. Washburn to be postmaster at Wyncote, in the county of Montgomery and State of Pennsylvania, in place of George E. Washburn. Incumbent's commission expired April 10, 1906.

## SOUTH CAROLINA.

Thomas Tolbert to be postmaster at Abbeville, in the county of Abbeville and State of South Carolina, in place of Robert S. Link. Incumbent's commission expired February 10, 1906.

## SOUTH DAKOTA.

John F. Reid to be postmaster at Elk Point, in the county of Union and State of South Dakota, in place of John F. Reid. Incumbent's commission expired January 21, 1906.

## TENNESSEE.

Roy P. Smith to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee, in place of Robert C. Wilcox. Incumbent's commission expired February 7, 1906.

George T. Taylor to be postmaster at Union City, in the county of Obion and State of Tennessee, in place of George T. Taylor. Incumbent's commission expired March 13, 1906.

## TEXAS.

Jeff D. Burns to be postmaster at Tyler, in the county of Smith and State of Texas, in place of Jeff D. Burns. Incumbent's commission expires June 27, 1906.

Robert E. Hannay to be postmaster at Hempstead, in the county of Waller and State of Texas, in place of Harry W. Rankin. Incumbent's commission expired February 17, 1906.

Samuel E. Morris to be postmaster at Carthage, in the county of Panola and State of Texas, in place of Annie L. Pool. Incumbent's commission expires June 30, 1906.

Hal Singleton to be postmaster at Jefferson, in the county of Marion and State of Texas, in place of Hal Singleton. Incumbent's commission expires June 27, 1906.

Henry O. Wilson to be postmaster at Marshall, in the county of Harrison and State of Texas, in place of Henry O. Wilson. Incumbent's commission expired May 19, 1906.

## VIRGINIA.

McClung Patton to be postmaster at Lexington, in the county of Rockbridge and State of Virginia, in place of McClung Patton. Incumbent's commission expired June 24, 1906.

## WEST VIRGINIA.

William B. Hensel to be postmaster at Gary, in the county of McDowell and State of West Virginia. Office became Presidential January 1, 1906.

## WITHDRAWALS.

*Executive nominations withdrawn from the Senate June 27, 1906.*

Archie Jones to be postmaster at Chincoteague Island, in the State of Virginia.

Lieut. Commander John H. Shipley to be a commander in the Navy from the 12th day of June, 1906, vice Commander Sidney A. Staunton, promoted.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 27, 1906.*

## CONSUL.

George B. McGoogan, of Indiana, to be consul of the United States of class 9 at La Paz, Mexico.

## DISTRICT JUDGE.

Charles M. Hough, of New York, to be United States district judge for the southern district of New York. An original appointment under the provisions of the act approved May 26, 1906.

## SURVEYOR-GENERAL OF MONTANA.

John Frank Cone, of Hamilton, Mont., to be surveyor-general of Montana.

## REGISTERS OF LAND OFFICES.

George W. Wilson, of Minot, N. Dak., to be register of the land office at Williston, N. Dak.

Clarence C. Schuyler, of North Dakota, to be register of the land office at Fargo, N. Dak.

Daniel Arms, of Montana, to be register of the land office at Missoula, Mont., to take effect July 18, 1906.

## MARSHAL.

C. G. Brewster, of Texas, to be United States marshal for the southern district of Texas.

## RECEIVERS OF PUBLIC MONEYS.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont.

Judson J. Jordan, of North Dakota, to be receiver of public moneys at Fargo, N. Dak.

Victor Chaffee, of Grand Forks, N. Dak., to be receiver of public moneys at Williston, N. Dak.

## APPRAISER OF MERCHANDISE.

Edward S. Fowler, of New York, to be appraiser of merchandise in the district of New York, in the State of New York.

## INDIAN AGENT.

Samuel G. Reynolds, of Montana, to be agent for the Indians of the Crow Agency in Montana.

## POSTMASTERS.

## NEW YORK.

George B. Harwood to be postmaster at Skaneateles, in the county of Onondaga and State of New York.

## NEW MEXICO.

Henry H. Carter to be postmaster at Las Cruces, in the Territory of New Mexico.

Harry Hamilton to be postmaster at Artesia, in the Territory of New Mexico.

John M. Wiley to be postmaster at Silver City, in the Territory of New Mexico.

## VIRGINIA.

L. G. Funkhouser to be postmaster at Roanoke, in the county of Roanoke and State of Virginia.

## NEVADA.

Walter R. Bracken to be postmaster at Las Vegas, Lincoln County, Nev.

## PENNSYLVANIA.

David A. Templeton to be postmaster at Washington, Washington County, Pa.

W. L. Cougar to be postmaster at Danville, Montour County, Pa.

William A. Boyd to be postmaster at Mars, Butler County, Pa.

## ACT AND PROTOCOL AT ALGECIRAS, SPAIN.

June 27, 1906. The injunction of secrecy was removed from the general act and an additional protocol signed on April 7, 1906, by the delegates of the powers represented at the conference which met at Algeciras, Spain, to consider Moroccan affairs. (Ex. J., 59th Cong., 1st sess.)

## INTERNATIONAL INSTITUTE OF AGRICULTURE.

June 27, 1906. The injunction of secrecy was removed from a convention signed at Rome on June 7, 1906, by the delegates of the various powers for the creation of an international institute of agriculture, having its seat at Rome. (Ex. L., 59th Cong., 1st sess.)

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 27, 1906.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## EVENING SESSION.

Mr. PAYNE. Mr. Speaker, I ask that the House take a recess this evening not later than 6 o'clock, until 8 o'clock, to consider the bill H. R. 19750, under an order exactly in terms with the order for last night.

The SPEAKER. The gentleman from New York asks unanimous consent that the House take a recess at 6 o'clock—

Mr. BARTLETT. Not later than 6 o'clock.

The SPEAKER. Not later than 6 o'clock, until 8 o'clock, and that the evening session be held from 8 until not later than 11.

Mr. PAYNE. Under the same terms as the order for last night.

The SPEAKER. Under the same terms as the order of yesterday.

Mr. WILLIAMS. Mr. Speaker, I am sorry to say that there was some little dispute last night as to what the terms of the agreement were. The usual course in matters of this kind has been to put the time under the control of the chairman of the committee having the bill under its charge and the senior member of the other party on the committee, and let them divide the time, the time to be equally divided between the two parties. Now, last night again there was some little friction, which was totally unnecessary, because it was not, or seemed not to be, clearly understood that the time was to be equally divided between the two parties; and I would suggest to the gentleman, as an addendum to his request, this: That the time be equally divided between the two parties, the time upon that side of the Chamber to be controlled by the gentleman from New York [Mr. PAYNE], as chairman of the committee, and the time on this side to be under my control, as senior Democratic member on the committee.